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a Story of the Industrial
Conflict in the Coal Mines

(New York, 1921)

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SECOND PRINTING

THE FREEMAN PAMPHLETS

CIVIL WAR IN WEST VIRGINIA

by

WINTHROP D. LANE

A STORY OF THE INDUSTRIAL CONFLICT
IN THE COAL MINES

With an introduction by

JOHN R. COMMONS



L. L.

B. W. HUEBSCH, Inc.,
NEW YORK

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CIVIL WAR
IN
WEST VIRGINIA

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BY
WINTHROP D. LANE

A STORY OF THE INDUSTRIAL CONFLICT
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NEW YORK

B. W. HUEBSCH, INC., MCMXXI

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INTRODUCTION

BY JOHN R. COMMONS

MR. LANE'S account of the mining situation in West Virginia makes plain the issue that faces the nation: Shall the Supreme Court of the United States deny to labor unions the right to persuade? It is no longer, Shall labor unions be prohibited from committing violence. It is, Shall they be prohibited from even persuading non-unionists to join?

In the final analysis this is not a judicial question at all. It is a legislative question. It is a question of public policy. The Supreme Court has decided the public policy of the nation. It has decided that labor shall not have the right to organize even by peaceful persuasion, and the federal and state courts in West Virginia are executing the decision by injunctions.

The injunction takes the form of prohibiting organizers and even former employees from persuading employees to break their contracts of employment. The employees enter into a contract with their employer not to join a labor union while employed; and not even, after quitting or being discharged, to persuade other employees to join the union.

The contract of employment states the grounds on which the contract is made. It is "in order to preserve to each man the right to do such work as he pleases and for whom he pleases and the right to payment in pro-

portion to service rendered, to preserve the natural and constitutional right of individual contract, to preserve to each individual the fruits of his own labor, and to promote the interests of both parties hereto."

In order to enjoy these rights of individual contract the employee contracts that he will not thereafter, whether while employed or after being discharged or voluntarily quitting, attempt to exercise any right of collective contract respecting that employer.

And he makes this individual contract with the agent of the United States Steel Corporation, or with the agent of the Norfolk and Western Railway Company, controlled by the Pennsylvania Railroad Company—in short, he makes this contract with the associated financiers of the Nation.

Suppose a labor organization should become so powerful and foolish as to insist on individual contracts with financiers to the effect that the financier should agree that, in order to preserve his right to hire such workers as he individually pleased, and in order "to preserve his natural and constitutional rights of individual contract," he would not, at any time thereafter, enter into any contract with any association or corporation of financiers to deal collectively with the labor organization—it would at once be seen that what the labor organization is doing is what it is doing in Russia, acting collectively itself but compelling the capitalists to bargain individually.

This is, indeed, a great issue of public policy. Shall the financiers of the nation have the right to organize, and labor be denied the right to organize? The federal courts and the state courts of West Virginia have so decided. The decision is based on the "natural and constitutional right of individual contract."

Yet it is well known that the courts have held many

contracts void as being contrary to morals, or contrary to public policy, or obtained under duress, and so on. The courts might, perhaps, have so decided respecting these anti-union contracts. Perhaps they did not realize that the contracts are made between the associated financiers of the nation on the one side and individual mine workers on the other side. It is a great convenience to treat a corporation as an individual, and to hold that a contract between a subsidiary of the Steel Corporation and an employee of that subsidiary is an individual contract, to be protected by "natural and constitutional right."

But in this case it is a convenience out-of-date. To get back to individual contracts we should go back to colonial times when the constitution was framed and when the employer was strictly a "natural" individual, like the worker. To-day the employer is an artificial individual, as huge even as the government of a nation, held together by the credit system, by community of interest, and by operation of law. The science of law has been stated by the court to be a progressive science. If so, the court should investigate the artificial being which it has created, and inquire whether another artificial being, the labor organization, is not just as natural and constitutional. It would seem that if financiers have obtained a natural right to join a powerful corporation and thus give up their right to make individual contracts in that respect, so workers might be protected in a similar natural right to join an organization powerful enough to deal with that corporation. The natural right to contract is not always a natural right to give up the right to contract.

It is also a proper legal question whether these anti-union contracts are really contracts at all. They assume the guise of contracts, but a labor contract is at most

only a contract at will, or from day to day or from week to week. The employer can discharge without notice and the employee can quit without notice. As pointed out recently by the editor of the Yale Law Journal (April, 1921), neither of the parties to such a contract "is under a contractual duty as to succeeding days and consequently no third person can induce a breach thereof." In this case there is no contractual duty of employment on the part of the Mining Company. Yet, although there is no contractual duty to continue employment, the court treats the matter as though there were. This is doubtless due to the origin of this action in the ancient law of master and servant. Originally the master had a right of action against a third party for seducing his servant to leave and thus causing a loss of the services due to the master. "Even though this seduction theory is properly exploded," says the editor of the Yale Law Journal, "there seems to be a vestige of it still remaining in the minds of the courts."

That vestige is visible in West Virginia. Persuasion to join a union is as unlawful as violence.

AUTHOR'S PREFACE

THE conflict over unionism in West Virginia is neither temporary nor sporadic. It is a deep-seated and continuous struggle. It is more fundamental than occasional strikes and more sensational, even, than the murder of mine guards and miners. Any competent narrative of it is an answer to the question: What happens when an aggressive labor union determines to organize a particular set of workers, and aggressive employers say that it shall not?

This question is important at all times. It is especially important just now when employers are everywhere fighting labor unions under the slogan of the "open shop," and the whole question of industrial relations is so much to the fore. In West Virginia the conflict is seen in all of its brutal nakedness, with both sides prepared for combat to the bitter end and relentless in pursuit of their goals.

The fight reaches back to the first attempts by the miners, thirty years ago, to organize. It is in direct line of succession to a long series of sharp conflicts—to strikes that have paralyzed industry, to bloody encounters between mine guards and miners, to muzzling injunctions, to the eviction of miners from their houses, to Congressional investigations, to the use of United States troops, to the payment of public officials with private funds, and to retaliatory violence committed by the men who work in the mines. Such scenes as Stanniford in 1902, when miners lost their lives in a battle with armed gun-

men; as Cabin Creek and Paint Creek in 1912, when civil war raged for a time; as Matewan in 1920, when ten people were killed in a shooting affray with private detectives: these are the raw material out of which history has been made in the coal fields of West Virginia.

To-day the conflict is as intense as ever. Whether another investigation by Congress is required the reader may judge for himself. A resolution calling for such an inquiry was introduced into the Senate last February and was referred to the Committee on Audit to determine its cost. The miners are making an attempt, as these pages go to press, to secure authorization for such an inquiry.

The following chapters first appeared as a series of news articles, running from February 7 to March 3, in the New York Evening Post. The author spent a number of weeks in West Virginia, not only gathering the story of the conflict but studying the civilization that lies back of it. He has tried to picture that civilization, with its semi-feudal and paternalistic features, in these chapters. For the most part newspapers to-day do not try to give thorough and illuminating accounts of intricate and vital matters. They wait until some sensational episode affords the "news" emergency deemed necessary for "playing up" what, without that emergency, is plentifully important; and then they tell only of the emergency, with perhaps sufficient detail concerning the situation as a whole to whet the discriminating reader's interest. They do not supply the perspective necessary for a real understanding of what is going on. Being interested only in what is happening to-day, they do not often enough try to make that intelligible in the only way that it can be made intelligible, namely, by telling what happened yesterday. Moreover, they do not search beneath

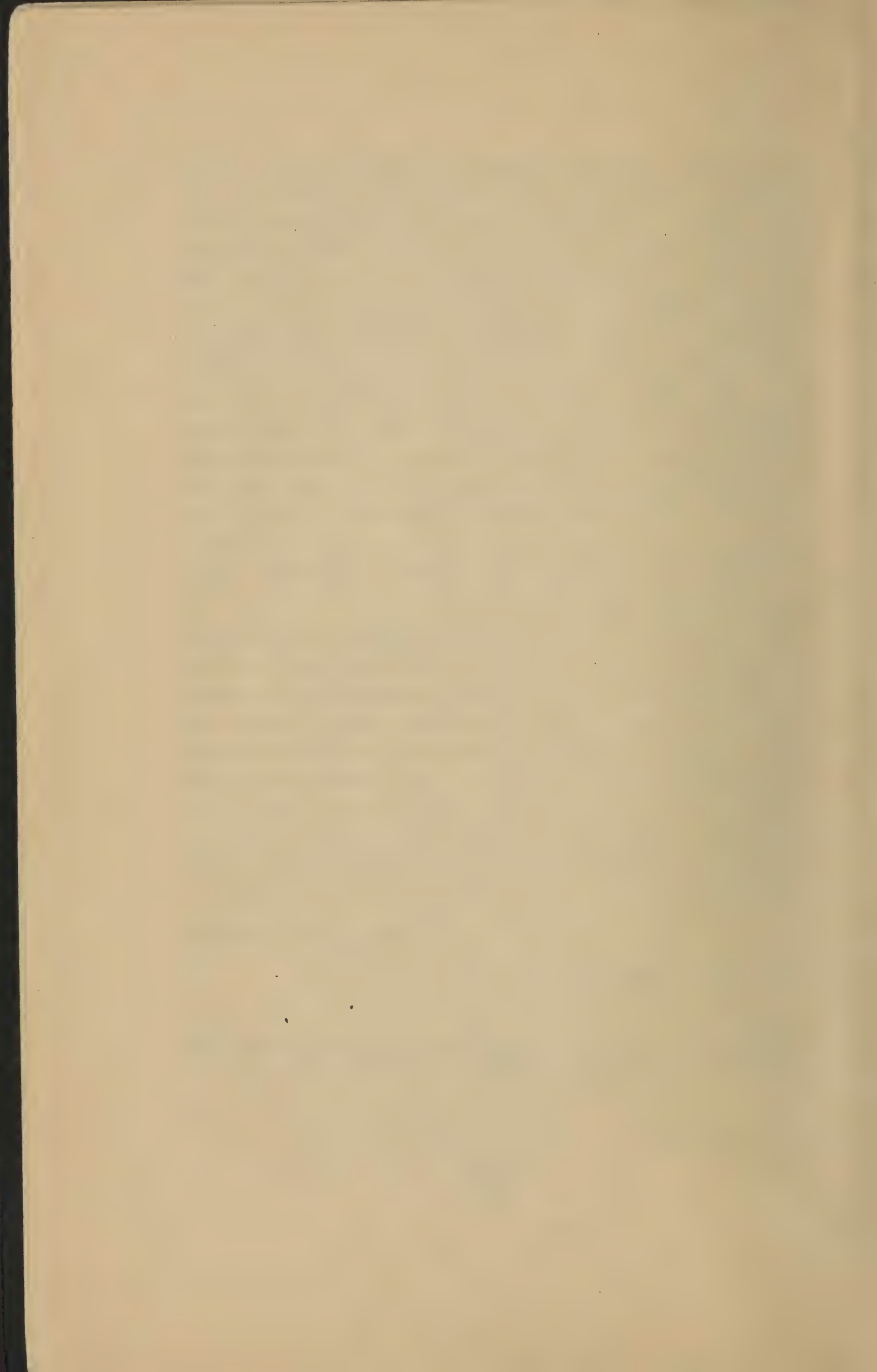
the surface. They find space for a shooting affray without telling what caused the affray; they discuss the violence accompanying strikes without making known what led to the strikes. In all of the recent dispatches that have come out of West Virginia, none, so far as the writer is aware, have dealt with injunctions, with "yellow dog" contracts, with the fact that the one hundred thousand miners in the state live in no security of residence whatever, with the hiring of deputy sheriffs by the operators,¹ with the ownership of coal lands, with the paternalistic aspect of the miner's life and with other equally important matters. That newspapers can do this, and that it is one of their legitimate functions to do so, is strongly supported, it is hoped, by the present example of the New York Evening Post, however poor the execution of the task may have been.

Thanks are due for permission to reprint to Mr. Edwin F. Gay, president of the New York Evening Post, Inc. It will be found that additional material has been inserted in Chapter II dealing with the use of "scrip" and other methods of paying coal miners. Thanks are due also to Mr. Joseph G. Bradley, a non-union coal operator of West Virginia whose own mine is, in its physical aspects, one of the best in the state. Other persons who have assisted in the collecting of facts are named in the course of the chapters.

WINTHROP D. LANE.

New York City, April 20, 1921.

¹The essential facts in regard to this were published by Arthur Gleason in *The Nation* for May 29, 1920.



I

THE CONFLICT

WEST VIRGINIA is today in a state of civil war. This civil war is of a peculiar kind. It is not being fought by armies in the field, led by military commanders and seeking military victory. It is more subtle and covert than that. It is being fought through many of the ordinary channels of civilization. It is being fought in the courts, through the power to withhold jobs, through the ownership of men's homes, through the control of local government. It is being fought by strikes, by appeals to class interest, and the occasional resort to violence. Its weapons are injunctions, special kinds of contracts of employment, impassioned oratory and the refusal to work.

The forces opposed to each other in this war are the owners and operators of coal mines, on the one hand, and the men who produce coal, the miners, on the other. The miners are assisted and encouraged by the United Mine Workers of America, a labor union affiliated with the American Federation of Labor. The issue between these two forces is: Shall the miners have the right to belong to the United Mine Workers of America and to bargain collectively with their employers?

Nobody denies the miner's naked right to join the union. The men who manage and operate the coal mines of West Virginia do not say: "You cannot become a member of the United Mine Workers of America."

What they say is this: "You cannot become a member of the United Mine Workers of America and continue to work for us." Men who join are discharged.

The operators say, moreover, to the union: "Your organizers shall not come among our men. We will not let you make your appeal to them."

The operators believe that their position is justified. They believe that the union is selfish, domineering, unscrupulous. They believe that it will change their relations with their employees, and they see in its power rising costs of operating their mines. They are determined, therefore, to keep it out.

The miners, on the other hand, believe that they have a right to belong to the union. They believe that this is an important and fundamental right. Moreover, they believe that certain tangible advantages will come to them from joining the union. They can then secure wage agreements, specifying that certain rates of pay and conditions of employment shall be binding over a definite period of time. They believe that in this way they can earn more money and make better homes for their families.

The operators are in the position of power. Their power comes chiefly from their ownership of property. They own—or if they do not own, they lease, which is the same thing so far as power is concerned—practically all of the property that exists around a coal mine. The mining town is built on their property; they build it. They own the houses. They own the stores and the amusement places. They often build the churches and frequently the schoolhouses. They guarantee the church against loss and sometimes supplement the salary of the school teacher. They own the building in which the Y. M. C. A. is located and can put the secretary out if

they want to. They own the meeting halls. Sometimes they own even the roads.

Thus the operators are not only the miner's employer; they are his landlord, his merchant, the provider of his amusements, the sanitary officer of his town, sometimes the source of his police protection and the patron of his physician, his minister, and his school teacher.

On the other hand, the power of the miner is his power to refuse to work. He can exercise this power to the great inconvenience of the operator. He can shut down plants. He can interfere with the production of coal. He can cause financial loss. He can also, through the union, make appeals to the class interest of his fellow workers; he can cause disaffection and stir up strife; he can make capital out of the hostility of the operator. His power is neither so many-sided nor so controllable as that of the operator, but it is effective.

These are the forces that are opposed to each other in this West Virginia warfare. The war is being fought through the control of public officials. In one strongly non-union county there are twenty-five deputy sheriffs stationed on the properties of various coal producing companies. These deputy sheriffs are public officials, nominated by the sheriff and appointed by the County Court. They give bond as required by law. Their salaries, however, are paid by the operators. The treasurer of the local operators' association gives \$32,700 a year to the sheriff for this purpose. These deputies perform certain services for the operators. They guard the company payrolls from the office to the mine twice a month, for example. The operators defend this arrangement and say the county needs this extra police protection. But several hundred pages of testimony taken by a commission appointed by Gov. Cornwell showed that these same

deputy sheriffs clubbed men who talked unionism and ran union organizers out of the county.

The war is being fought through the control of men's jobs. Men are being discharged for joining the union. That is not all. Throughout a large part of the non-union territory jobs are being given only to men who will sign contracts agreeing to leave the union, if they are already members, or not to join if they are not.

The war is being fought through the ownership of men's houses. Miners have been evicted for joining the union; their families and their furniture have been put out on the street. Forcible evictions, however, lead to trouble. So the operators have sought other means of putting men out of their houses. They have attempted to do so by law; and in so doing they have set up the contention that miners living in company-owned houses are not tenants but servants. This means that the miners are not entitled to notice that they must vacate by a certain date, but that they can be evicted the moment their employment ceases. The courts have, in effect, sustained this contention. Thus, one-fourth of the adult males in West Virginia, comprising the labor force of a basic industry, have no security of residence.

The war is being fought through injunctions. State courts have enjoined union representatives from trying to persuade the miners of two counties to join the union, and an injunction granted by a federal court does the same thing with respect to the miners of a single company in another county. Another Federal injunction prohibits the officials and organizers of the union from even making the statement that a strike exists.

The war is being fought through the use of private detectives. At least two associations of operators have contracts with the Baldwin-Felts Detective Agency for

a number of "secret service" men. These "secret service" men work in and about the mines without letting any one know of their presence and report upon whatever activities their employers want them to report upon.

United States troops have been used in the war. Twice in the last six months of 1920 troops were thrown into Mingo County, where there was a strike. If you are an operator you believe that these soldiers were necessary to protect property and to preserve order. If you are a member of the union you believe that they were there to protect strikebreakers and help to break the strike.

On the side of the miners and the union, the war is being fought by opposing the legal measures of the operators, by striking, by appeals to class interest, by trying to make unorganized men want the union, by bitter denunciations of the operators, and by meeting violence with violence.

The union has lost most of its legal battles. It has called one strike recently to secure recognition of the union; that was in Mingo County, after a large number of miners there had joined the union and the operators had refused to meet union representatives in conference.

The miners have been appealed to in many of the customary phrases of class warfare. They have been told that they are being "robbed" and "enslaved" by their employers, and have been urged to use their power for the advancement of the working class. Agitation has been intermittent and based upon an opportunist policy. Organizers have gone into non-union territory at times when their own safety was in danger to appeal to the workers.

Violence has been resorted to on both sides. Who brought the first gun into West Virginia, or who fired the first shot, is now a question of history, of twenty years or more ago. It would be profitless to try to answer it.

The secretary of an operators' association told me that following the strike of 1902 it became a widespread practice among operators in non-union districts to employ "private police," whose job was to know when organizers came into the territory and to tell them that they were not wanted. Many of these private police were armed. The operators have openly employed bodies of armed men during the course of several strikes; T. L. Felts, a partner of the Baldwin-Felts agency, told me that he had supplied the operators with 300 armed men during the Cabin Creek strike of 1912. The secretary referred to above declared that the ownership of arms and the resort to violence by the miners had been "in imitation of the methods employed by the operators after the strike of 1902."

To-day both sides are armed in many places. During my visit the civil authorities of Mingo County, encouraged by the presence of United States troops, took great quantities of arms from both miners and operators. An operator in Logan County showed me his "arsenal." Several union officials have deemed it necessary to take out licenses to carry revolvers.

This is, in brief, an outline of the civil war that is being waged in West Virginia to-day. The war is not State-wide. Of 95,000 mine workers in the State, some 53,000 are already unionized. There are large territories where the operators and the union are working amicably under joint agreements. The fight centres about the rest of the State. It is hottest in a few counties. Both sides are determined. Both believe they are right. There is no prospect of a peaceful solution.

In succeeding chapters these phases of the conflict will be elaborated and other phases discussed.

II

PATERNALISM AND WHAT IT MEANS

IF YOU will take a map of West Virginia, you will see that it is much like the map of any other State. Deep ridges of hills cut across its eastern and southwestern portions, but aside from these there is little to distinguish it from other maps; the same winding lines indicate rivers, the same dots show where its towns are, the same network of railways connects these dots. One can easily imagine the life that goes on in these towns as being the same that goes on in small towns everywhere. He can imagine people owning their own homes, following a variety of occupations, attending to their own little affairs, and sharing in the town's common activities. He can imagine them acting like the independent citizens of other communities.

But he will be mistaken. Nothing of the sort goes on there. In the coal mining fields of West Virginia, comprising parts or all of thirty-six counties, the dots on the map do not stand for towns in the ordinary sense. They do not indicate places where people lead an inter-related, many-sided, and mutually dependent existence. They stand for clusters of houses around a coal mine. They indicate points at which seams of coal have been opened, tipples erected, and coal has been brought forth as fuel.

True, people live here, but they live here to work. The communities exist for the coal mines. They are the adjuncts and necessary conveniences of an industry. They

are not independent groups of people. They are not even called towns in the language of the locality. They are called "camps."

No one owns his own house. No one conducts a store, runs a garage, sells groceries or furniture to his fellow townsmen, or amuses them in a movie theatre. No one is free to decide to-day that he will change his occupation to-morrow, because there is no other occupation than coal mining; the only way he can change his occupation is to move to some other region.

There is no independent family physician building up a practice by competing with other physicians. There are no local lawyers settling the community's difficulties over property rights, because the ordinary citizen has no property rights and can secure none. It is seldom, too, that any one campaigns for a new school or tries to find a better teacher, because these things are taken care of for him. No group of people ever get together and decide that the old church is too shabby and that they will get a new one. They wait till such things are done for them.

It is not quite true to say that no one does these things. The coal company does them all. The essential characteristic of a coal-mining civilization, in West Virginia as well as in some other parts of the country, is the extent to which the employer, the company, controls things. It is a paternalistic, in some ways a feudal, civilization.

Let us take a typical coal-mining plant. In the first place, the company owns practically all of the property. Usually it owns it for a considerable distance around the mine. It owns all of the buildings and the land on which they are erected. It owns the houses, the stores, the movie theatre, the Y. M. C. A. (if there is one), the

school, the churches—in a word, the whole town. It employs the physician, and collects something each month from every miner to help pay him. It often guarantees the salary of the minister and not infrequently supplements that of the school teacher.

The company is thus responsible for the welfare of the town. It is the sanitary officer with all his usual functions. It takes care of the roads, provides the lighting, determines the variety of amusements, and sometimes supplies the police protection. It can exercise supervision over persons coming into the town and events there. It can keep undesirable people out. It can, if it wants to, even censor the mail, since the Post Office is usually located in its general store and one of its employees is Postmaster.

Moreover, the company does not pay the people of the town as factories and most other industrial establishments pay their employees. It does not pay in cash all that the men earn. Each pay day the miner is handed a statement, showing his total earnings for the preceding period, usually a fortnight, and the amount of his indebtedness to the company. This indebtedness has been incurred for various items. It includes his purchases at the company store and rent; it includes fixed charges for the lighting of his house, for coal supplied as fuel, for the services of the company doctor and the company hospital, and the sharpening of his tools. The total of all such charges is subtracted from his earnings and he then receives the remainder in cash.

The charges for these items vary. Rent ranges from \$1.50 to \$2.50 a month for each room; a standard four-room house thus costs from \$6 to \$10 a month, \$8 probably being the prevailing price. Most mining camps have electricity, and the charge for lighting the miner's house

is sometimes uniform in a single camp, sometimes depends upon the number of lights. It averages, roughly, about \$1 a month. Coal, supplied by the company and burned in open grates, costs from \$1 to \$2 a month, with 50 cents a load usually added for hauling; this is ordinarily a fixed charge and is the same the year round.

The doctor is employed by the company. The men pay fixed amounts whether they require his services or not. This is so small, ranging from \$1 to \$2 a month and sometimes varying for married and single men, that if a family experiences much sickness it is likely to get off cheaply. If it goes for a long time without sickness, it pays, of course, for services that it does not receive. Extra sums are usually charged for operations, and especially for child-birth. The charge for hospital service ranges from fifty cents to \$1 a month; this, too, often varies for single and married men. Some companies have hospitals of their own and others use the hospitals in nearby towns.

Miners pay for the sharpening of their tools, usually about twenty-five cents a month. They pay five cents apiece for their "mine checks," metal discs numbered and hung on the inside of each car as it comes out of the mine loaded; this enables the company to credit each man with the number of cars loaded by him. The money for these checks is returned to the man when he leaves his employment. Some companies charge for the use of the wash house, in which the miners clean up after a day's work. Seventy-five cents a month is a usual charge for this.

Thus do the companies control all of the financial operations to which they are a part and insure themselves against loss. The extent to which they control is indicated by the fact that miners who take lodgers are not

allowed in some camps to collect rent from the lodgers themselves, but this is paid first to the company and is turned over on pay day to the miner to whom it belongs.

This is the "check-off" system of paying wages. When all of these charges have been subtracted from the earnings of the mine worker he receives the remainder in cash. The amount of cash received depends, of course, upon how much he has earned and how much he owes the company. If he is able to work with fair steadiness and has no unforeseen expenses, he will have a substantial balance to his credit; on the other hand, when work is slack his fixed expenses may account for nearly all of his income. It is not an unknown experience for a man to find that he owes the coal company money when pay day comes around.

I have before me a sworn list of the men working for a large coal company, together with their earnings, debits and balances due in cash, for a single half month. This half month is from November 15 to November 30, 1920. There is no way of telling how many days any of these men worked. The average earnings of the 266 men on this pay-roll were \$79.31 for the half month. Their average debits, or amounts owed the company, were \$26.16. The average amounts received in cash, therefore, were \$53.15. It is impossible to say just what expenses these "debits" covered, because many of the men may have purchased at places other than the company stores. One man earned \$107.50 and owed the company \$100.25, so that he received \$7.25 in cash; another earned \$72 and owed the company \$65.55, so that he received \$6.45. These are the two lowest amounts received in cash. Thirty-nine men received less than \$30. The range of total earnings was from \$193.57, the highest,

to \$24.32, the lowest. These facts are given merely as illustrations of the way in which the system works; it would be impossible to tell how fairly they represent the average for the State without much fuller data.

Nearly all coal companies use scrip to facilitate trade at the company stores. This scrip may be either in the form of coupons, issued in books, or of pieces of metal rounded like coins and stamped in various denominations. The methods of issuing this scrip are not always the same, but commonly something like this: This scrip is issued to employees in advance of purchases. It is issued to the extent of their credit. That is, it is issued to them in amounts up to the total of their earnings at the moment, or what is due them from the company. If a man has earned \$22, say, and this has not been paid, he is entitled to scrip up to that amount. The scrip is immediately charged to him on the pay-roll. It is redeemable in merchandise at the company store. In some camps it is redeemable at other places also, such as pool rooms, lunch wagons, motion picture theatres and other company-owned enterprises.

The use of scrip is very likely to induce miners to spend more freely than they would if it were actual money they were spending. Mr. J. N. Schweitzer, the general superintendent of the Lundale Coal Company, writes to me quite frankly:

"It is usually the case with the employees around the mine that they have scrip to spend for theatre tickets and other places where it can be used when they do not have the money. Therefore, by giving them the privilege of handling scrip in this way, much more of it is being spent and the attendance at our theatres would not be so large if we did not allow them to use the scrip for purchasing tickets."

There are laws in West Virginia in regard to the issuance of scrip by mining companies and other corporations. One of these laws, passed in 1887, has to do with the payment of wages in lawful money:

"All persons, firms, companies, corporations or associations, engaged in the business aforesaid [mining coal, ore, or other minerals, or mining and manufacturing them, as well as other occupations], shall settle with their employees at least once in every two weeks unless otherwise provided by special agreement, and pay them the amount due them for their work or services in lawful money of the United States, or by the cash order as described and required in the next succeeding section of this act. Provided, That nothing herein contained shall affect the right of an employee to assign the whole or any part of his claim against his employer."

Another law, passed in 1891, deals directly with the issuance of scrip:

"It shall be unlawful for any corporation, company, firm or person, engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver, to any person employed by such corporation, company, firm or person, in payment of wages due such laborer or as advances for labor not due, any scrip, token, draft, check or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and if any such scrip, token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be construed, taken, and held in all courts and places, to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm or person, issuing, selling, giving or delivering the same to the person named therein or to the holder thereof."

Violation of this act is made a misdemeanor.

I do not know of any case in which the issuance of scrip by a coal company has been passed upon by a court in the light of these statutes. Operators to whom I talked denied that there was any violation of law in their use of scrip. Samuel B. Montgomery, state commissioner of labor, has a different view. He writes:

"The issuing of scrip by a coal company has been carried on for years and is a violation of the law for the reason that this scrip is issued in lieu of lawful money and is only redeemable in merchandise."

Miners are not now compelled to trade at company stores, as they were not so very long ago. One owner of a mine told me that he had formerly discharged men "for buying two dollars' worth of flour somewhere else." Frequently, however, the company store is a virtual monopoly; there is no other store near enough to be used. Miners complain, moreover, that wage advances are often absorbed, in whole or in part, by increases in price at the company stores. Mr. Montgomery, who is friendly to the miners in his point of view, supports this contention. He writes:

"The 'company store' is one of the sore spots in the whole scheme of things. When a wage increase is given the miners, the store management almost invariably increases prices to offset it. In a few weeks the miner realizes that he has been 'gulled' and is more irritable than ever. This vicious circle continued all during the war. This is not a surmise, but I have witnessed it and tested it out. In a given coal field we reached a wage settlement at one o'clock Sunday morning; I was acting as mediator. It was during the war. At two o'clock A.M. runners were sent out by the union officials notifying the men to return to work at once, which they did. On the

following Tuesday morning retail prices were advanced exactly enough to absorb the wage increases.

"Coercion is no longer used to impel the miners to deal at the company store, but there are hundreds of mining camps in West Virginia where there is no 'free land,' and the camp being 'company owned' there are no independent stores, hence as a result the miners must deal at the company store, because in nearly every case hucksters and peddlers are prohibited from canvassing the camp."

There is, of course, a historical explanation of much of this mode of doing business and of life. Coal mines have usually been opened—this is certainly true in West Virginia—in remote and sparsely settled regions. The first surveyors have had to ride horseback up the stony beds of mountain streams; they have had to find shelter in pioneers' cabins or even on the open sides of hills. Before the coal could be got at, a railroad had to be constructed. Then the first elements of civilization were brought in; houses were built for the labor that was to be recruited; a tippie was erected, and other necessary building done.

But men do not live by houses alone. Food was necessary, and so the company built a store and became a storekeeper. In time other needs became apparent. The children of miners required a school; a schoolhouse was built. Soon churches followed.

In time other mines on the same property or on adjoining property were opened. Other towns were built. Soon there was a flourishing industry of coal mining throughout the country. But not even this exhausted the growth. Coal lay everywhere—for hundreds of miles on every hand. Other companies, coming in, imitated the first. The land was all owned by the coal companies; whatever was built on it followed the ownership of the land. Thus,

what had begun in necessity became the prevailing characteristic of the whole industry.

To-day this civilization is the settled condition of existence for hundreds of thousands of people.

It is evident that this state of affairs is a natural one to the operator. He sees it either as a historical growth or as a universal condition. He thinks it cannot be changed. And he usually regards it, from the point of view of mining coal, as efficient.

To the miner it does not always appear in quite the same light. He sees it as it affects himself and his family daily. He cannot escape from the dependent position in which it places him. The coal company touches his life at every point. If there is a playground for his children, it is because the coal company has generously supplied it. If the prices charged him for food at the company store are reasonable, it is because the coal company decrees it. If the physical aspects of his life, on the whole, are tolerable, it is because he is fortunate enough to have a beneficent employer.

The picture drawn above has nothing to do, directly, with unionism or non-unionism. The civilization of the mining town is much the same where the miners are organized and where they are not; the union functions chiefly in other ways. But how far this civilization may affect the desire for unionism is another matter. It may, in the last analysis, account for much in the miner's state of mind. No one has yet, so far as I know, fully analyzed the psychological appeal of labor unionism. To the miners working in West Virginia coal mines, any opportunity for collective action, for joining with their fellows in an effort to escape from their pervading dependence, may seem welcome.

III

SOME GOOD MINING CAMPS

WHAT is the practical working out of this paternalistic, semi-feudal régime? How do miners actually live in West Virginia? During my visits I saw towns in which the houses were neat, well painted and sanitary; in which there were excellent school buildings, Y. M. C. A.'s and hospitals; in which life was made fairly pleasant and interesting through gymnasiums, motion picture theatres, club houses, playgrounds and other facilities of a desirable nature.

I also saw towns in which the houses were falling into disrepair—unpainted, neglected, forlorn. I saw whole communities that had no garbage collection and in which the soil was being constantly polluted from surface privies. I saw schools consisting of single rooms, with six or eight grades of children occupying them at a time. There are towns in which the only playgrounds for children are empty coal cars or the stony beds of creeks, and there are dwellings that receive continuous baths of grime and smoke from open coke ovens close by.

One general condition of West Virginia mining camps needs to be mentioned. Coal is taken in West Virginia almost entirely from the sides of steep hills. These hills are close together. The narrow valleys between them sometimes allow room enough only for the bed of a creek. This topographical trait is the worst enemy of the mining town. It is extremely difficult sometimes to find room

for houses in these narrow valleys. By the time a railroad has been run up the creek and the necessary buildings for taking care of the company's business have been erected there is very little space left for other construction. Houses are put up wherever the earth's surface affords a holding place.

Let us go first to the site of the Elk River Coal and Lumber Company, at Widen. This is a non-union camp. Here we shall find living conditions better than the ordinary. The valley of Buffalo Creek opens out at this point and allows something like a town plan. There are several streets, and the houses are neat frame structures, painted red with white trimmings. They are not plastered—plaster is far from universal in mining towns—but are finished in wood on the inside and, with their coal-burning grates, are fairly comfortable. Most of the houses have four rooms, some six.

Another feature found here that is common to mining towns is the uniform design of the houses—a circumstance doubtless making for lower rents, and also for monotony. The houses are set in straight rows, which adds to the monotony, but each has a yard, while occasional flowers and window boxes in summer give them a home-like appearance. The houses are electrically lighted, and each one has a single bulb suspended from the porch ceiling as a means of lighting the street. The miners pay rent for these houses at the rate of \$2 a room a month.

Ashes and garbage are regularly removed. There is no running water in the houses, water for drinking as well as other purposes being obtained from wells drilled in the street. A well stands in front of every fifth house. Each house has a privy in the rear. None of the streets is paved, though board sidewalks are laid throughout most of the town.

The company operates a dairy farm ten miles away, from which bottled milk is supplied to the 1,000 or 1,200 residents of Widen. In the central part of the town a Y. M. C. A. building contains pool and billiard tables, a gymnasium, bowling alleys, a reading and writing room, a barber shop, and shower baths. This is the gathering place for the men and boys of the town. Three motion picture shows a week are given in a substantially built theatre seating 250. There is a clubhouse for officials and a playground, with simple apparatus, for children. The company store is small and inadequate, and a larger one was being built when I was there. An attractive ice cream parlor stands in the centre of the town.

The Roman Catholics have rented a church, the Protestant services being held in the Y. M. C. A. building. The school building has three rooms in which eight grades recite. The company pays the salaries of two teachers and a principal for three months each year, thereby lengthening the school term from six to nine months.

An unusual feature is a bank, under State supervision, in which the employees are encouraged to open both checking and savings accounts. When I was there the bank had 234 checking accounts of people living in town, the average size of these being \$156. The average size of the sixty-eight savings accounts was \$387. The employees are afforded protection under the State Workmen's Compensation Law, and in addition the company gives each man who has been on the pay rolls three months a \$500 life insurance policy in the Metropolitan Life Insurance Company of New York. When he has been in its employ a year this is raised to \$1,000.

Let us go next to the camp of the Lundale Coal Company at Lundale, in Logan County. Here we shall find many features similar to those just described. New houses

are being plastered and are storm-sided and double-doored. The camp has a water system consisting of wells from which water is pumped to large tanks elevated about 200 feet above the creek level, and water is distributed through water mains. This company and three others under the same management have a joint hospital, a fourteen-room building, well equipped. The hospital force consists of a doctor with two assistants and several trained nurses. There is a modern dairy farm at this place also.

Other companies that furnish living conditions either very good or better than the average are the Island Creek Coal Company at Holden, the E. E. White Coal Company at Glen White, and the Solvay Collieries Company. These by no means exhaust the list. At Boarderland some of the employees of the Boarderland Coal Corporation live in brick houses with running water in them. There is a noticeable tendency among the newer companies and at mines most recently opened to make living conditions better than the general run of those at older camps.

One respect in which some of the mining companies of West Virginia are trying to improve conditions is in regard to schools. West Virginia does not stand high in her provision for education. A number of companies are either building better schools than the public revenues can afford, or supplementing the salaries of teachers, or providing more equipment. A list shown me by the State Department of Education contains the names of thirty-one companies that are doing one or more of these things, and there are others not on the list.

Business policy, as well as humane impulse, suggests this provision for comfort and welfare. This is frankly admitted by many operators. Said J. M. Vest, president and general manager of the Rum Creek Collieries Company, recently:

"We don't mean to convey the idea that we are more altruistic, or have more generosity than any other group of employers. We are doing this as a business policy, and feel that that is enough. There is a great deal of competition for labor, and we try to do everything possible to make our men contented and satisfied in order to keep them. A lot of this welfare work is done with that object in view. We think that it is good business."

Special attention has been given to provisions of this sort by many non-union employers. They are trying to make physical conditions so attractive that the union will have greater difficulty in appealing to their men. Let us now look at camps of a different description.

IV

SOME BAD MINING CAMPS

THE conditions under which men live affect their outlook upon life. Dreariness and discomfort are likely to produce discontent. For this reason the conditions under which miners and their families live in West Virginia have an important bearing upon the industrial situation in that state. It is quite possible that the desire for unionism among the men may be traceable, in part, to the physical aspects of their existence. There is no attempt in these chapters to establish the contention that conditions are worse in either the union or the non-union camps than they are in the other; both good and bad conditions are found in each. What is suggested is that the physical aspects of existence may have a psychological effect favorable to the idea of unionism.

Let us go now to two of the mines of the Kanawha and Hocking Coal and Coke Company, in Fayette County. We shall have to leave the main lines of travel and trudge back some distance into the hills. Getting off the Kanawha & Michigan Railroad at Smithers, we walk along a spur of track a mile and a half to Carbondale. Carbondale lies at the entrance to "National Hollow," a narrow creek bottom between two hills. The hollow is about two miles long. It consists only of the bed of the creek, which is stony and unattractive, the railroad track and straggling rows of miners' houses. Coal has been mined here for twenty years.

We shall have to "walk the ties" up the hollow. Our first impression is one of barrenness. Here there has been no attempt to make things attractive. Stones and dirt strike the eye at every point; the surface of the earth seems to be stripped to the skin. There are no sidewalks; the only firm place for human feet is the railroad track. When it rains the hollow is a stretch of mud.

The houses are thrust up wherever a place can be found for them. Some stand between the railroad and the bed of the creek; some stand at the base of the hills, the ground rising almost from their rear doors. The railroad track is the front yard of many of these houses. We could touch some of them with a ten-foot pole without leaving the tracks.

Most of the houses have four or five small rooms; many are without kitchens, though the coal company is slowly building kitchens for some of these. The houses have long since lost all evidence of paint. They have a neglected and deteriorated look. Steps are missing, porches are tottering, chimneys are crumbling.

Sanitary arrangements are of the most primitive sort, and soil pollution is general. Flies, too, add to the menace arising from such conditions. The company makes no effort to better the situation and even the most elementary precautions are entirely neglected. The prospect presented by the hollow as we go up is a disorderly array of ill-kept houses, chicken coops, pig wallows, and miscellaneous outbuildings.

Children play beside the railroad, in the creek bottom and in empty coal cars as we pass along.

Presently we come to the open coke ovens. These stretch for 200 yards or so beside the tracks. Their long, low sides, made of some hard, baked substance, are only ten or twelve feet high. Huge beds of coal are burning

fiercely within. Tongues of flame shoot up over the top, as from a long, horizontal volcano. Smoke accompanies the flame, smoke in thick clouds; gases are with it. Across the tracks, not a hundred feet away, stands a row of miners' houses. These are blackened from the soot and smoke of the coke ovens. As we watch, huge clouds of smoke envelop the houses; heavy masses of it press against the doors and windows. The smoke is like a blanket, blotting the houses from view. A moment ago every house in the row was plainly visible. Now all the houses beyond the third, not two hundred feet distant, are shut from sight. They are enveloped in a pall of smoke.

Let us penetrate this smoke screen and go into one of the houses. Smoke swirls through the door as we enter. A woman is sitting at a sewing machine. Her husband, holding a baby in the corner, is hardly visible at first because of the darkness. The windows are opaque from the smoke.

"No, we don't like it very well," says the woman in answer to a question. "The smoke and soot get everywhere. They get into our bureau drawers and into our trunks. We can't keep them out of anything. Sometimes it lets up for a few hours—when the wind blows the other way. Of course, it's no use to try to keep things clean. The fumes, too—sulphur fumes, they seem like—are choky. I don't think they do the baby much good. But what can we do? All the houses in the hollow are full; if we don't live here, where can we live?"

"How long have you lived here?"

"Four years."

Four years of this bath of grime! There are other families that have lived in the hollow ever since coal was

first mined there, twenty years ago, but fortunately there is only one row of open coke ovens.

This picture, with the exception of the coke ovens (which, in my limited visits, I found nowhere else in such close proximity to houses), can be duplicated many times in West Virginia coal fields. At Hernshaw and Butler, two camps of the Marmet Coal Company, I found conditions almost as unattractive. There is no collection of garbage, and the surface privy is everywhere in evidence.

As you look out of the train window, riding up the Guyan River Valley, through the heart of the Logan County coal field, you see on either side camp after camp in which the houses are little more than shacks to keep the weather out. Some of these houses are propped up on stilts; many of them are unpainted. It was raining the day I made this trip. Water stood in puddles around doorways and under the houses. Everywhere there was mud, mud of a particularly clinging variety—a mud that seems to be peculiar to mining towns. No attempt had been made, apparently to ditch the streets; throughout the hundred miles of this journey I saw hardly a sidewalk. The camps looked like the temporary quarters of some construction gang at work far from civilization. Yet they are permanent residence towns.

Consider the situation of such towns. The most authoritative study of sanitary conditions in West Virginia mining camps that I know of is that now being made by the State Department of Health. The head of this department, Dr. R. T. Davis, is a well-informed and enlightened man. At his direction sanitary surveys have recently been completed of three counties. These were conducted by Dr. Dwight Lewis through a joint arrangement between the State Department of Health

and the International Health Board of the Rockefeller Foundation.

In Mingo County, almost exclusively a coal mining county, twelve communities, with a population of 3,534, were studied. Of the 728 premises visited, 632, or 80 per cent., had unsafe methods of sewage disposal. The privies on these premises were either open-back surface privies or pit closets; in either case soil pollution was a grave danger. There were no privies at all on thirty-four premises. Adequate methods of sewage disposal were found on sixty-five premises and cement vaults on thirty-one. Not a single safe closet was provided by either the schools or the railroad in any of these communities. In Logan County, where a population of 9,358 was studied, 89 per cent. of the privies were unsafe. They allowed the spread of disease either from soil pollution or by flies. This also is almost exclusively a coal-mining county. The results of this condition are what would be expected. In Mingo County the death rate from typhoid fever in 1919 was thirty; it is normally about ten in counties with safe closets. In Logan County the death rate from typhoid in 1918-19 was twenty-two. Other filth-borne diseases show high rates. These facts are not peculiar to mining regions. Upshur County, an agricultural district, showed similar conditions. The danger is greater, however, in coal mining regions because of the greater density of the population.

What is the conclusion? Coal mining is admittedly rough work. It is carried on away from the comforts of towns and cities. Too much might easily be expected in the way of conveniences. Forgetting the worst pictures, however, I do not see how any one can travel over the coal fields of West Virginia without coming to the conclusion that life in mining towns is essentially dreary. Even in

those places where the operators have supplied many of the comforts of life the dreariness still remains. This is partly the result of the monotonous aspect of the towns; of the simple, cheap, uniform construction; of the smallness of houses and rooms; of painting all the houses in a town the same color; of the absence of sidewalks and the universal presence of mud; in a word, of the construction-camp aspect of life. It is partly the result, also, of lack of comforts; of the necessity of getting all of your water from a well in the street, perhaps a block away; of the necessity of keeping coal-burning grates going all winter long if you are to be warm. Finally, it is the result, in part, of the lack of amusements. Beyond a movie theatre, a pool room and the gossip around the company store, the pleasures of the mining camp are not many.

One hears much about the tendency of miners to-day to move from one part of the field to another, and also about their "ungratefulness." When he considers the general quality of life in a mining town, however, such things do not seem so strange. It is a general trait of human nature to try to find more comforts and "a better place to live in." Possibly the miners are merely exemplifying this trait.

V

WHY THE FIGHT IS SO INTENSE

WHAT are some of the reasons for the intensity of the fight over unionism in West Virginia? In the first place, it is in the nature of a last ditch fight. Not only is West Virginia herself more than half organized, but the bituminous coal fields throughout the country are largely organized. Coal is mined in more than twenty States. The principal unorganized fields are the Connellsville section in Pennsylvania; another strip along the Allegheny River; Utah; and the non-union parts of West Virginia. Partial organization exists in several other areas. On the other hand, such large coal-producing States as Ohio, Indiana, and Illinois are completely organized. Extensive if not thorough organization exists in Maryland, Iowa, Kansas, Tennessee, Michigan, and other places.

Of the approximately 650,000 bituminous mine workers in the country some 450,000 are members of the union. It will thus be seen that the winning of the unorganized fields is the final stage in the growth of the union, which was established in 1890. To the operators the exclusion of the union from these fields is the only hope of preventing it from forcing wage agreements upon the entire industry.

Local unions appeared in West Virginia as early as 1894. No real strength was attained, however, until 1917. On January 1 of that year the United Mine Workers of America had 6,000 members in the State.

To-day it claims 53,000. The total number of mine workers in the State is not far below 100,000, so that there are between 40,000 and 45,000 who are not members of the union. Since these comprise nearly a quarter of all the unorganized bituminous workers in the country, the strategic importance of West Virginia as a place for making a final stand against unionism is evident.

There are other factors that contribute to the intensity of the situation. West Virginia is the Eldorado of the soft coal industry. Her mines are among the richest in the world. The seams of coal are thick, impurities are relatively absent, and the coal can almost always be got at by direct entrances into the sides of the hills, instead of by shafts. The variety of coals is large.

These natural advantages have enabled West Virginia operators to produce coal both more cheaply and more easily than it can be produced in many other places. They have been eager to use this advantage to build up a wide market and to secure as large a return on their investment as possible. On the other hand, her geographical location has been against her. On the east and north she is surrounded by the coal fields of Pennsylvania and on the north and west by Ohio, Indiana and Illinois. Thus her operators have been at a disadvantage in reaching the large markets of New England, New York, the Great Lakes, and other industrial areas.

Realizing the superiority of their coal and their disadvantage in relation to the markets, her operators have been impatient of anything that seemed like interference. They have naturally wanted to conduct their business in such a way as to secure the greatest benefit from their peculiar situation. To them the coming of unionism has seemed an interference. They have been averse to tying themselves up to agreements concerning wages, hours, the

weighing of coal as mined, payment by the ton instead of by the car, and various other items that might hamper them. They have seen in the union, too, the prospective cause of many petty strikes and bickerings.

The operators of two counties, when applying recently for an injunction against union representatives, frankly declared that if their mines should be organized "the hours of labor would be so shortened, interruptions in the production of coal by lockouts and strikes would be so ordered, and the price per ton for the production of coal so increased that the great natural advantages" of the non-union mines in West Virginia "would be artificially overcome."

Meanwhile interesting history has been in the making in nearby States. Ever since 1884 operators in what is known as the central competitive field, comprising western Pennsylvania, Ohio, Indiana, and Illinois, have been complaining that their markets were being taken away from them by West Virginia coal. These operators are working almost solidly under agreements with the United Mine Workers of America. In the annual conferences between them and the union they have complained that they were being beaten "by competition from unorganized fields." They have insisted, therefore, that it was the duty of the union to protect them by organizing the non-union fields. They have intimated that their own recognition of the union implied a virtual obligation on its part to extend its organization everywhere, so that all States should be upon as equal a basis as possible.

The union has, of course, tried to organize West Virginia. When it failed the operators have taunted it with not making sufficient effort. To this the union has answered that the operators had it in their power to help it. The union has even suggested that the opera-

tors did not want West Virginia organized, since the existence of a large unorganized field might help to keep wages and working conditions everywhere down.

In all this bickering the West Virginia operators have seen a conspiracy against themselves. They have believed that they were being made the victims of a combination between the union and the operators of Ohio, Indiana, and Illinois to drive them out of business by organizing their mines. The operators bringing the injunction suit just referred to specifically declared that the purpose of this "unlawful combination and conspiracy" was to "exclude and drive out of the markets all coal produced, loaded, and shipped by said non-union mines, including those of plaintiffs."

The union has answered this contention by saying that its purpose in trying to organize the mines of West Virginia was perfectly legitimate. It has sought, it says, only to raise wages and improve working conditions. And it has supported this declaration by pointing out that those parts of West Virginia now organized, far from being driven out of business, are prosperous and finding a market for all the coal they can produce.

The operators of West Virginia object also to the closed shop feature of the United Mine Workers of America. They insist that employees should have the right of individual contract. And they object to collecting union dues by the "check-off" system—that is, by holding these dues out of each man's wages and then turning them over to the union later.

The union answers that the closed shop is the most effective form of union organization and that it is by this means that it has built up its present strength. It says that the operators have a closed shop policy of their own—namely, that of a closed non-union shop—and that

they refuse to let men work for them who are members of the union. It says that the "check-off" system is not its own invention, but that that (as we have seen) is the method by which the operators collect their own rent, store accounts and other items from the miner, and that the union has merely adapted a scheme devised by the operators to its own use.

Such are some of the factors lying behind the intensity of the West Virginia conflict.

VI

EVICTIIONS AND INSECURITY OF RESIDENCE

LET us now come to the real story of the West Virginia struggle.

Back of an innocent-looking court action lies a question of grave importance to the miners and to the public generally. This question has to do with the security or non-security of residence enjoyed by one-fourth of the adult males in the state and the entire labor force in the great basic industry of coal mining.

The question may be stated thus:

Is it desirable that the 100,000 coal miners of West Virginia should have homes in which they may enjoy some security of residence? Is it important that they and their families should be protected against eviction almost overnight? Is this a matter of interest to the coal industry of West Virginia only, or is it of general public concern?

These questions, like most questions, have an obverse side. This side may be put in this way:

Is it desirable that coal-mining companies of West Virginia should have control over the occupancy of miners' houses owned by them? How else can they be sure of an adequate and willing labor force? Is it necessary that they should be free to remove families summarily?

These questions have been raised in their most acute form in Mingo County, where a strike was called in July, 1920, by the United Mine Workers of America. That

strike has furnished the chief news items about West Virginia for the daily papers. In the spring of last year the United Mine Workers undertook to organize Mingo County. It sent representatives there to make speeches and to visit the workers. Within two months many locals had been formed and several thousand members secured.

The operators watched this effort with interest for a while. Then they began to discharge men who had joined the union. Several miners' families were forcibly put out of their homes; their household goods were thrown into the street. The Baldwin-Felts Detective Agency was called upon to make these evictions. The evictors were armed.

The whole country knows what followed. After seven families at the camp of the Stone Mountain Coal Corporation had been ejected, the thirteen Baldwin-Felts men who had done the work were waiting for their train at the railroad station in the little town of Matewan. Many of the townspeople were around. A dispute arose over the attempt of Albert Felts, the leader of the Baldwin-Felts men, to arrest the Matewan chief of police, Sid Hatfield.

Shooting started. When it was over, ten people lay dead. Seven of these were Baldwin-Felts men, one was Mayor Testerman, and two were miners.

The operators saw, therefore, that forcible evictions were dangerous. The temper of the people was such that they could not be depended upon to stand idly by and watch the evictors proceed with their work. So the operators turned to the law in their effort to recover possession of their houses. They brought suits in "unlawful entry and detainer," the purpose of which was to establish their right to put out men working for them, without notice.

A test case, that of the Wilhelmina Coal Company

against B. H. Young, was first tried. The theory on which the company sought to put Young out was this: That the relationship existing between it and its employee in respect to his occupancy of a house was one of master and servant, not one of landlord and tenant. The employee's use of the house, it was argued, was entirely incidental to his employment—was, indeed, part of the consideration paid him for his employment. His right to live in the house ceased the moment he was deprived of his job. If he remained after that, he became a trespasser.

Under the West Virginia law, if the relation were one of landlord and tenant the miner would be entitled to notice that he must vacate. If he paid rent by the week, he would be entitled to a week's notice; if by the month, to a month's notice; and if by the year, to three months' notice. The significance of the contention was, therefore, apparent.

The defendant, through his attorneys, who were employed by the United Mine Workers of America, argued that the relationship was one of landlord and tenant. It was pointed out that the miner paid a fixed rent for his house—whatever the company charged; that the company collected this rent every pay day, usually once a fortnight; and that, therefore, the miner—in this instance B. H. Young—was entitled to two weeks' notice.

The local judge in Mingo County, Judge Damron, directed the jury to find for the plaintiff. The defendant's attorney thereupon sought a writ of error from the Supreme Court of Appeals of West Virginia. This writ was denied. The effect of this denial was to hold either that the relation was one of master and servant, or that no periodical tenancy existed and that the miner was not entitled to any notice that he must vacate.

The companies did not rest with this decision, however. They sought an injunction, whereby large numbers of their employees might be put out of their houses at once, without going through an action of "unlawful entry and detainer" in each instance. The Red Jacket, Jr., Coal Company tried to get such an injunction against six or eight of its employees. The Supreme Court of Appeals denied the application, saying, informally, that the method of "unlawful entry and detainer" was adequate.

This account was verified for me by attorneys for both the coal companies and the miners. Under the court's ruling hundreds of miners left their houses. Tent colonies were established for their maintenance; six or eight of these tent colonies existed for months. Some operators exhibited a humane spirit and did not compel their miners to leave their houses.

It is evident that important questions are involved here. The coal companies are faced with a real problem in regard to the occupancy of houses owned by them. They have no other places in which their employees can live. If they cannot exercise control over the persons who occupy their houses, they may find themselves without an adequate labor force. Since the primary purpose of the companies is to produce coal, they evidently have a vital interest in the questions at stake.

On the other hand, a serious situation exists when the entire labor force of a basic industry has no security of residence. Possibilities of great abuse exist in this situation. The coal companies can, if they desire, render large numbers of people shelterless almost over night. They can do this regardless of the illness of members of these families, or of their ability to find homes elsewhere. The very existence of such power even if it be sparingly used is a threat.

The union insists, further, that a condition very much like serfdom is established by this decision. It says that not only has the miner no domiciliary right that the coal company cannot overcome by the mere act of discharging him, but that he can acquire none, since the coal company's ownership of all land prevents him from buying a house. It points out that the conception of master and servant used in the coal company's argument arose at a time when "servants" were not freemen. They could not vote and were persons of very inferior status. They were, for the most part, house servants or farm servants. To apply that conception now to the workers in a great American industry is, the union contends, to turn back the clock of civilization centuries.

Finally, of course, the union sees in this power a weapon of great effectiveness against the right of men to bargain collectively with their employers.

Here are matters for the American people to think about. What is the solution?

VII

DEPUTY SHERIFFS IN THE PAY OF OPERATORS

IN the first chapter I charged that the conflict is being fought, in part, through the control of public officials. The evidence in regard to this is incontrovertible. It is to be found in the frank statements of coal operators themselves.

Some time ago Governor John J. Cornwell appointed a commission to investigate conditions in Logan County. This is one of the counties where the fight is most intense. The commission sat for several weeks and took more than six hundred pages of testimony. It found that the treasurer of the Logan County Coal Operators' Association, Mr. C. W. Jones, paid to the sheriff of that county \$32,700 a year for the salaries of deputy sheriffs. These deputies are then stationed on various mine properties about the county. They perform various services for the operators. They are public officials, nominated by the sheriff and appointed by the county court; they give bond as required by law. Yet their salaries are paid by the operators. They have assaulted miners who sympathized with the union and have run union organizers out of the county.

Here is the commission's own summary of this arrangement:

"At the beginning of the investigation a statement was made by a representative of the coal operators that no guards were employed in Logan County, but the deputy sheriffs who were complained of were regularly appointed

by the County Court of Logan County, and paid in part by the coal operators through the sheriff.

"Later on after all the witnesses had been examined on behalf of the mine workers, C. W. Jones, treasurer of the Guyan Coal Operators' Association [another name for the Logan County Coal Operators' Association], testified that under an arrangement between the coal operators' association and the Sheriff of Logan County the association paid the Sheriff the sum of \$2,725 per month [\$32,700 a year] and in turn the Sheriff named twenty-five deputies, and furnished the operators on each pay day with a deputy to accompany the payrolls; that between pay days these deputies are stationed at different points in the field.

"They are nominated by the Sheriff and appointed by the County Court of Logan County and give bond as required by statute. Jones asserted that the operators did not undertake to exercise supervision over these deputies, but dealt entirely with the Sheriff of Logan County.

"No secret was made of this arrangement, and it was justified on the ground that Logan County has an area of approximately 400 square miles, with a population in excess of 60,000; the county is divided into three magisterial districts, and the police protection other than the deputies provided for under this agreement is the Sheriff, a deputy for each district, and one constable for each district."

The deputies received other money than that paid through the association. Some of the operators paid them direct. The commission's summary continues:

"It was shown that on Buffalo Creek there were three deputy sheriffs—one at Amherstdale, one at Lundale, and one at Three Forks. These men were paid by the coal company. Three deputies are located on the property of the Logan Mining Company—one at Earling, one at Dingess Run, and one at Monaville. One of these depu-

ties receives some additional pay from the company for escorting the paymaster from Logan to the mines.

"The Island Creek Coal Company, which operates thirteen mines, has five deputies on its property. It was testified by the superintendent that the company contributed something to their salaries as a remuneration for escorting the payroll, but he did not know the amount. The Logan Mining Company pays a deputy sheriff the sum of \$50 per month, in addition to his regular salary, for the same service."

Here, then, are the details of the arrangement. The income of the Logan County Coal Operators' Association, Mr. Jones testified, is about \$100,000 a year. This represents an assessment of a cent a ton upon the operators of that field. The amount paid for the service of the deputy sheriff therefore, is about one-third of a cent a ton for every ton of coal produced.

This arrangement is in existence to-day. Mr. Jones gave his testimony in the fall of 1919, but he told me in January, 1921, that the practice continues. The amount paid, he said, is the same as it was then.

Does no one in West Virginia object to this practice? The commission left no doubt of its opinion. Says its report:

"This practice, from a Governmental standpoint, can and should be condemned, on the ground that no officer should receive money or remuneration from any source other than the State or county."

Why, then, does it continue? I tried to find out. Governor Cornwell told me that he was helpless to stop it. He condemned the arrangement, but said that Logan County was an autonomous, self-governing county; that he had no power of removal over its local officials, and knew of no way in which he could compel the Sheriff to

stop receiving this money or the operators to stop giving it.

Governor Cornwell may be right. The fact remains, however, that a West Virginia law deals with this very matter, and to the layman appears to make such an arrangement illegal. The law was last amended in 1913, following the disclosures in regard to the use of company-paid mine guards as deputy sheriffs after the Cabin Creek strike of 1912. After specifying the manner in which Sheriffs, clerks, etc., may appoint their deputies, it reads:

"But it shall not be lawful for any of the aforesaid officers of this State to appoint any deputy or deputies to act as, or perform any duties in the capacity of, guards or watchmen for any private individual, firm, or corporation, nor shall the above named officers be authorized to appoint any person or persons as deputy or deputies to act for or to represent, in any capacity, as officers of the law, any individual, person, firm, or corporation." This law is printed in Barnes's Edition 1916, of the West Virginia code, Section 11, Chapter 7.

Inasmuch as the deputy sheriffs in question are regularly nominated by the Sheriff and appointed by the County Court, and inasmuch as the operators of Logan County admit that they guard the company payrolls from the office to the mine, collect rents for the companies, protect their property and perform other services; it would seem as if here was a case where an attempt might be made, at least, to invoke the law. But the statute has no penalty clause. It merely says that the act described "shall not be lawful," and stipulates no form of punishment. I discussed this phase of the matter with the Attorney General of the State, E. T. England. Mr. England was "not so sure," he said, that Governor Cornwell was right in regarding his hands as tied, but he considered the absence of a penalty clause as a difficulty.

Here, again, there is an apparent remedy. The Supreme Court of Appeals of West Virginia declared in a recent case that "where a statute forbids a thing affecting the public but is silent as to any penalty the doing of it is indictable and punishable as at common law." Words apparently could not be more appropriate to a situation than these to the situation under discussion. These, assuredly, are questions for courts to decide.

It is probable that this arrangement or a similar one exists in other counties. Governor Cornwell gave me his opinion that it does. He also showed me a letter written by the Prosecuting Attorney of McDowell County, G. L. Counts, in which the statement is made that a man named Houchens is "a deputy sheriff and also an employee of Baldwin-Felts." The Prosecuting Attorney ought to know.

The "Baldwin-Felts" referred to is the Baldwin-Felts Detective Agency. The headquarters of this agency are in Bluefield, W. Va., which is in the Pocahontas coal field, one of the strong anti-union fields. Thomas L. Felts, a partner in this agency, knows a great deal about the practices of the coal operators, since his agency supplies many of them with private detectives who work in and about the mines.

I called upon Mr. Felts. He told me that he had probably supplied twenty men who had been appointed deputy sheriffs of McDowell County. He gave it as his rough guess that there were between 150 and 250 deputy sheriffs in that county. It is certain that no such number is being paid for out of public funds.

The mine workers of West Virginia regard the payment of the salaries of these deputies by the operators as an attempt to use the agencies of government against them. They see in this arrangement one of the strongest

single factors that have so far prevented them from organizing Logan County. They believe that the operators are corrupting local government in their fight against unionism.

The question has more than a local aspect. If one State will tolerate the payment of its public officials by private interests, another State may do so. We shall then find that our American conception of an even and just administration of public affairs is no longer tenable. The question for the people of West Virginia to ask themselves is: Can they afford to set such an example to the rest of the country?

VIII

HOW THE DEPUTY SHERIFFS EARN THEIR MONEY

How do these deputy sheriffs, whose salaries are paid by the coal operators and whom we discussed in the preceding chapter, earn the money that is given to them? Do they serve the side that pays them? Or are they impartial in the industrial conflict?

The commission appointed by Governor Cornwell secured ample evidence. We have already seen that they guard the company payrolls twice a month from the office to the mine. They also collect rents for the operators, assist in preserving order, serve warrants for the Sheriff and perform other duties. Some of their services grow properly out of their official positions.

What else do they do? One of the witnesses before the commission was Wayne Curry.

Curry is a miner. He was born in Logan County and worked there for thirteen years. He was fired by the Yuma Coal & Coke Company because, he said, the foreman accused him of "talking union and getting up a disturbance." Curry told his experiences to the commission. Here is the commission's summary of them:

"Wayne Curry testified that he had been arrested five or six times by Don Chafin, Willie Gore, and Fult Mitchell, and put in jail twice, and was told that the cause of his arrest was for talking union. [Gore and Mitchell were deputy sheriffs; Chafin was county clerk, but the

recognized leader of the deputy sheriffs.] On the first occasion he was arrested in the camp at Yuma on Friday and taken to the Logan jail and kept there until Saturday evening; that he was not served with a warrant and never saw a warrant; that about a week or ten days after that date he started through to Coal River and was arrested by Fult Mitchell and two more fellows on the county road, coming through by Crooked Creek. He was taken to jail and confined from Friday until Monday morning, when he was released and told to get out, and if he didn't get out it wouldn't be good for him. He was arrested a third time at Yuma and taken to Logan by Mitchell, Dial, and Chafin [Dial was another deputy sheriff]. The fourth and fifth times he was arrested by Mitchell, Dial, and a third man whose name he did not know, and was taken to Logan and turned loose. He asserted that he did not know that he was charged with any offense and saw no warrant for his arrest, but that Don Chafin told him it would not be good for him if they caught him on the company's property again, and that they were going to throw him out."

Curry got a team and moved out. He was asked at the end of his testimony if he had anything more to say. This colloquy took place:

"A. I don't see why they got a right to block the county roads in Logan County, and keep the citizens that was born and raised there out.

"Q. When was it blocked and how? A. I was on Coal River one time and these fellows was guardin' that road, and I had to come down Coal River and through by Coal River, twenty-eight miles off the road."

Elliott Hargis was another witness. Hargis had worked as a miner in Logan County for ten or eleven years. One day he attended a meeting of about fifty miners, when

six deputy sheriffs came in and looked the crowd over. Two of these called Hargis to one side and searched him for guns. Finding none they ordered Hargis to follow them. When he asked what they were going to do, one of the deputy sheriffs, Kenis Mounts, said: "We are goin' to do a plenty, by God."

"Q. Were these two men guards [deputies]? A. Yes, sir. They are guards. 'Before we get done with you it will be a God's plenty.' I says, all right. They took me down and put me in jail about 8:40 on Sunday, . . . and about 12:30 Don [Don Chafin] and six more of the guards come and got me out Sunday morning. And there wasn't any one there around the jail, and I thought they were going to do me some dirt, the way they bunched up. They got me out and Don got to questioning me about affairs that I didn't know anything about. 'Now,' he says, 'listen. I am going to turn you loose and if that noon train leaves to-morrow and you not on it you are going to lose your scalp. You got to get off of Guyan River.' I says, "I got a family here, and that is a pretty short space of time to give a man to get out." 'Don't matter a God damn, you get off of this river on that noon train in the morning.'"

Hargis went but came back. Some time later he again met Chafin and Joe Hatfield, riding in a Ford, and three more deputy sheriffs in a touring car behind them. Here is Hargis's story of what happened:

"I was on the railroad and they went around me over on the county road; and they brought their cars into a cornfield, and the three deputies in the touring car stayed there with Don's runabout while Don and Joe Hatfield came down the road and met me. Don says to me, 'Been to Charleston?' [Charleston, the State capital, is also the headquarters of District 17 of the United Mine

Workers.] I says, 'Yes, sir.' Then he hit at me and I dodged, and he hit at me again and I dodged, and he hit at me again and I dodged. Well, these other fellows that was there was both deputies, and it didn't look like they was going to do anything and I run my hand out and when I did that the other fellow pulled a gun—that way—and then run it back down in the scabbard. And then one of them hit me on the side of the head with something. I don't know what it was, and knocked me down on my knees. . . . They got me down and beat me a while and stomped me in the head and hit me considerable, and finally Don quit. He says, 'That will do, Joe, let him go.' Joe, he quit, and Don says, 'Get up and get back down the road, and get your things out of here in the morning. I don't want to catch you in here again. If I do it is going to be worse than this.' I got back down the road and got my stuff and come to see the Governor. He was gone and I didn't get to see him."

James Hollis testified that he had worked in a mine at Monitor eight or nine years. On the evening of September 25 he was asked about the union and on the next day he was discharged. On the night of the same day the witness was walking along the railroad on his way home from the company store, when he was set upon and beaten. He recognized the man who beat him as "a tall man" and "under Chafin." The witness started to run, when he was fired on and was shot. The bullet struck him on the side of the head and made a flesh wound.

These are the merest excerpts from a mass of testimony. In all, twenty witnesses told stories of more or less similar conduct by the deputy sheriffs.

Riley Damron, a miner, testified:

"I have heard the deputies in that country say they

will never allow them to organize that field as long as they can get guns and ammunition to fight against them."

A number of witnesses testified in regard to a trip up Guyan River, in Logan County, by a party of fifty-one organizers for the United Mine Workers of America. There was a convention of the union in Charleston at the time, and this trip seems to have been staged either as a demonstration of strength or as a means of finding out what would happen to the organizers if they entered that field. Word of their coming traveled ahead of them. A number of deputy sheriffs were hurriedly got together and boarded the train carrying the organizers at various points.

J. M. Vest, president and general manager of the Rum Creek Collieries and By-Product Company, chartered an engine and two cabooses and turned them over to a justice of the peace named Squire White. Squire White and a deputy sheriff, Willie Gore, took charge of this train, collected a posse of men, and followed the train carrying the organizers to the end of the railroad, where both trains turned around and came back. The number of men on the pursuing train was declared by the organizers to be several hundred, but was probably smaller.

Several of the organizers declared they saw machine guns at one or two points along the right of way, but all other witnesses denied this. It was admitted that the posse of men, containing a large number of deputy sheriffs, was armed. The organizers were also accused of having revolvers, and from the statements of a number of witnesses, who declared that guns were thrown from the windows of the coach in which the organizers were riding, as well as found in the toilet, this appears to have been true.

The organizers did not alight from their train. They

were informed by one of the deputy sheriffs, they said, that they "better not let their feet touch dirt in this county or it would be all off with them." Thus ended the invasion by the organizers.

To combat the testimony in regard to the activities of the deputy sheriffs, three deputies, Dial, Mitchell, and Pat Murphy, were called to appear before the commission. They either denied entirely the incidents previously sworn to or explained them in such a way as to throw responsibility upon others, usually upon the miners giving testimony. The burden of their charges against the miners was that several of these had been carrying guns contrary to law, and that this explained any interference with them by the deputy sheriffs. They denied that they had arrested anyone without a warrant, and said that they had on no occasion assaulted any of those who testified.

One of the deputies, Dial, admitted that the Logan Mining Company paid him \$50 a month in addition to his regular salary and, when asked his duties, said: "I see that the law is preserved and protect their payrolls." Mitchell, another deputy, was asked what he would do if he found an admitted organizer at the home of a miner. He said: "I would be met up by the superintendent of the property, and if he deemed him unworthy and objected to him being there, and wanted him ordered off the property, I would order him off the property."

On the whole, it is abundantly evident that the deputy sheriffs who receive their salaries from the Logan County coal operators are a great asset to those operators in keeping the union out of the county and out of their mines.

IX

"YELLOW DOG" CONTRACTS

ANTI-UNION contracts are being used throughout a large part of the non-union coal fields of West Virginia to-day. They are called "Yellow Dog" contracts by the union. These contracts are iron-clad. They bind employees not to become members of the United Mine Workers of America or any other labor organization during their terms of employment. They bind them also not to "aid, encourage or approve" the formation of any such organization. The employer agrees, on his side, to run a non-union mine and not to employ any member of a union. Many coal-mining companies claim that 100 per cent of their men have signed these contracts. Both old employees and men who are seeking new jobs are expected to sign them.

The use of such contracts is a part of what the non-union operators call their fight for the "open shop." In reality, the effect of the agreements is to establish a closed *non-union* shop. There are two kinds of open shop. One is a shop in which union and non-union men work side by side, without discrimination, and in which there is no dealing with the union. The other is a shop in which both union and non-union men work, but in which the employer does deal with the union; this is regarded as the real open shop by some students of labor questions. The railroad brotherhoods are examples of this second type of open shop.

It is evident that neither of these types of open shop can exist where the employees agree to renounce the union completely, and where the employer agrees to hire no members of a union.

Here is the form of contract used by members of the Pocahontas Operators' Association, which embraces the two strongly non-union counties of Mercer and McDowell:

"In order to preserve to each man the right to do such work as he pleases and for whom he pleases and the right to payment in proportion to service rendered, to preserve the natural and constitutional right of individual contract, to preserve to each individual the fruits of his own labor, and to promote the interests of both parties hereto, ———, employer, and ———, employee, agree as follows:

"That so long as the relation of employer and employee exists between them the employer will not knowingly employ, or keep in its employment, any member of the United Mine Workers of America, the I. W. W., or any other mine labor organization, and the employee will not join or belong to any such union or organization, and will not aid, encourage or approve the organization thereof, it being understood that the policy of said company is to operate a non-union mine, and that it would not enter into any contract of employment under any other conditions; and if and when said relation of employer and employee, at any time and under any circumstances, terminates, the employee agrees that he will not then or thereafter, in any manner molest, annoy or interfere with the business, customers, or employees of the employer, and will not aid or encourage any one else in so doing."

Contracts similar in effect are used by companies in Mingo County also.

The contract quoted is ordered by the thousand copies and distributed by the Pocahontas Operators' Association to its various members. It first came into use in June, 1920, just after the United Mine Workers of America had succeeded in building up a fairly strong organization in Mingo County, adjoining McDowell, and when the Pocahontas operators feared that their own field would be invaded by the union. W. E. E. Koepler, secretary of the Pocahontas Operators' Association, described to me what he called "the campaign to put these contracts over." He said that the superintendents of mines in the Pocahontas field "had it impressed upon them" that the men must be induced to sign the contracts. He said that individual miners who were influential with their fellow workers were called into the companies' offices and advised to sign. In this way, he said, signatures were readily secured. Of the 12,601 men employed in the field December 11 last, 86 per cent., he said, had signed.

Just before the campaign to put over these contracts started, many men who had joined the United Mine Workers of America or had shown sympathy with it were discharged.

The union regards these "yellow dog" contracts as a form of coercion by the employer. It says that they are designed to prevent employees from exercising their own wills in regard to joining the union. It says, further, that they are designed to prohibit the union from making its appeal to these men, because by doing so its officials might become liable to charges of trying to induce men to break their contracts of employment.

Mr. Koepler was one of those chiefly responsible for

inaugurating this form of contract. He told me that he secured the idea from "literature of the National Association for Industrial Rights, the old American Anti-Boycott Association." The real name of the successor to the American Anti-Boycott Association is the League for Industrial Rights. It maintains offices at 135 Broadway, New York. This league stands for the open shop. In its monthly magazine, *Law and Labor*, for July, 1920, it condemns the very thing that Mr. Koepler believes it favors. In a spirited editorial entitled "Public Policy and Anti-Union Contracts," it says: "To tell a red-blooded citizen he can not join a union while society holds that unions are lawful and useful but whets the desire to join and creates a spirit of sullen hostility which but awaits 'Der Tag' to join the enemies of existing institutions."

The use of anti-union contracts is not new in industrial disputes. They have been used before by coal operators. When the miners of the Hocking Valley in Ohio struck as long ago as 1884, anti-union contracts were introduced afterwards to break the strength of the organization that had been built up.

X.

SUPPRESSION BY INJUNCTION

IF YOU are a representative of the United Mine Workers of America, you may not appeal to the coal miners of Mercer and McDowell Counties, West Virginia, to join your organization. You may not go into those counties with the message of unionism on your lips. If you are a mine worker in those counties you may not listen to an account of unionism from a representative of the union. You may not learn from him his reasons for thinking you ought to join the organization. He is not allowed to come to you for that purpose. Injunctions restrain him.

The injunction has been an effective weapon in the conflict over unionism in the West Virginia coal fields. To-day injunctions are prohibiting representatives of the United Mine Workers of America from advertising, and even from saying, that a strike exists in a particular district; from appealing to the workers of two counties to join the union; and from appealing to the employees of a single company in another county to do the same thing. These injunctions were temporary when granted, but steps were promptly taken to make them permanent.

Let us look at these injunctions for a moment. The two that deny union organizers the right to go into Mercer and McDowell counties are based upon the anti-union contracts described in the preceding chapter. Oper-

ators who had such contracts with their men said that no union representative could approach one of their employees and ask him to join the union without at the same time trying to induce him to break his contract of employment; the contract specified that the employee would not join the union, and therefore to ask him to do so was to try to persuade him to violate his agreement. Thirty-two coal companies in McDowell County and fourteen in Mercer sought injunctions against the union representatives on this basis.

Judge I. C. Herndon, presiding over the Circuit Court of Mercer County, denied the injunction sought by operators of that county. He held that not sufficient evidence had been introduced to show that the union was trying to induce men to break their contracts, i. e., that it was actually trying to organize the county. The operators thereupon appealed to the judges of the Supreme Court of Appeals of the State.

Three judges of that court, W. N. Miller, C. W. Lynch and Harold A. Ritz, granted the injunction. They granted a similar injunction to the operators of McDowell County. In these thirty-eight representatives of the union are named. They, together with their "agents, employees, servants and attorneys," are restrained from "inducing, or attempting to induce, by persuasion, threats, intimidation or abusive or violent language, the employees of the plaintiffs, or either of them, so long as they are under contract of employment with the plaintiffs, to join the United Mine Workers of America; and from entering upon the grounds and premises of the plaintiffs or their mines, for the purpose of interfering with the employees of the plaintiffs in the performance of their said contracts of service with the plaintiffs, or in an attempt to persuade or coerce the said employees to breach their said contracts

of service with the plaintiffs, or to persuade them to join the United Mine Workers of America in violation of their contracts with the plaintiffs."

The use of the words "persuade" and "persuasion" prevents the union, it will be seen, from making any kind of attempt to secure members among the men who work for these forty-six coal companies. The Red Jacket Consolidated Coal and Coke Company in Mingo County has a similar injunction, recently granted. This was obtained in a Federal court, the United States District Court for the Southern District of West Virginia.

A precedent for the injunctions is found in a case decided by the United States Supreme Court. This was the famous case of the Hitchman Coal and Coke Company against John Mitchell and other officers of the United Mine Workers of America. The case was started in 1907 and decided in 1917. Six judges of the Supreme Court held that contracts of employment, similar to those in West Virginia, entitled the plaintiff to protection against the organizing efforts of the United Mine Workers of America.

A dissenting opinion was written, however, by Justice Brandeis and concurred in by Justices Holmes and Clarke. These Justices held that the contract "did not bind the employee *not* to join the union," but merely "to withdraw from plaintiff's employ if he joined the union." Therefore, said the opinion: "Until an employee actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently would be no breach of contract until the employee both joined the union *and* failed to withdraw from plaintiff's employ."

The operators of Mercer and McDowell counties believe that they have effectively barred the union from their field by means of these anti-union contracts and

injunctions. They propose to send to jail all union representatives who violate the instructions laid upon them; for themselves they believe that the question of unionism is now solved. I asked a union official what the leaders of the United Mine Workers of America would do if these injunctions were made permanent. He said: "We'll go to jail. That is the only course left to us in the pursuit of our constitutional rights." This may solve the question of unionism for the operators, but it will not solve the question of industrial peace.

Another injunction goes even farther than these. The events leading up to it are interesting. On July 1, 1920, as we have seen, the United Mine Workers of America called a strike in Mingo County. The strike order happened to apply also to a group of mines in Kentucky, just across the Tug River from Mingo County. These mines comprised what is called the Pond Creek coal field. The operators of both Mingo County and the Pond Creek field were bringing men in from the outside to work in their mines. The men so brought in left their trains at Williamson, those who were scheduled to work in Kentucky crossing the river at that point. The union was meeting these men through its agents and trying to persuade them not to accept jobs in the strike area.

At this juncture the Pond Creek Coal Company, a single company owning or leasing some 125,000 acres of land in the Pond Creek field, sought an injunction against representatives of the union. It asked that they be restrained from approaching its new employees. It based this request, in part, upon the ground that no strike existed in the Pond Creek field and in part upon the ground that the union's agents were using force and intimidation to stop its men.

The union answered that a strike did exist in the Pond

Creek field. It said that a number of men had quit work there in response to the strike order. It also denied that any improper methods had been used in approaching the plaintiff's men.

Judge Edmund Waddill, Jr., of the United States District Court for the Eastern District of Virginia, heard the case. The injunction was granted. Judge Waddill specified that the union's agents were to be restrained, among other things, "from advertising, representing, stating by word, by posted notices, or by placards displayed at any point in the State of West Virginia or elsewhere, that a strike exists in the Pond Creek field, or at plaintiff's mines, and from warning or notifying persons to remain away from said Pond Creek field or from plaintiff's mines; from assembling together or causing others to assemble together, or to assemble with others, in and about the railroad depot at Williamson, or in the city of Williamson, in such numbers and under such circumstances as to make a show or appearance of force or opposition to the free passage of the plaintiff's agents, representatives and employees to and from its said mines," etc.

It will thus be seen that the representatives of the union cannot even say that a strike exists in the Pond Creek field.

I talked to several miners who declared that they had worked in the Pond Creek field and had quit in response to the strike order covering that field. They were living in one of the tent colonies maintained by the union for the relief of strikers. They said that others had quit also, although the order had not been as effective there as it had been in Mingo County.

"We believe that this injunction goes farther than almost any injunction has yet gone," said Harold W.

Houston, attorney in West Virginia for the United Mine Workers of America. "If a union cannot make the simple statement that a strike exists in a field covered by an official strike order, what can it do? It is gagged and silenced. Picketing becomes a joke."

The general opinion of union leaders in regard to such injunctions as these is well expressed in the words of T. L. Lewis, who as vice-president of the United Mine Workers of America in 1903 characterized the injunction in labor disputes as "the most dangerous weapon ever brought into existence because of its sweeping character; the most effective in its application because it is used in the name of the law; the most destructive to labor's interests because there seems to be no appeal from the decisions of the individual judges who issue the injunction; the least expensive to the employers of labor because the official representatives of the Government enforce the provisions of the injunction."

XI

THE PRIVATE DETECTIVE SELF-REVEALED

LET us see a little more closely now how some of the participants in the West Virginia conflict work. It will be remembered that ten men were killed at Matewan, West Virginia, in May, 1920, after armed agents of the Baldwin-Felts Detective Agency had evicted miners from houses owned by the Stone Mountain Coal Corporation. Seven of these ten were Baldwin-Felts men themselves, one was Mayor Testerman, of Matewan, and two were miners. The leader of the Baldwin-Felts men, Albert C. Felts, was killed.

I want to publish here some notes and memoranda declared to have been taken from the body of Albert C. Felts a few minutes after he was killed. They are declared to have been taken from his body by Sid Hatfield, chief of police of Matewan, who was in the thick of the Matewan shooting. The documents purport to outline a plan to hire, or otherwise divert, two officials of the little town, Mayor Testerman and Sid Hatfield, who were apparently believed to have shown friendliness for the miners. Charges were apparently to be found against them; they were then to be sent to jail or otherwise put out of the way. The notes say that when these things are done "we will have the union broke up" and "things going our way."

The notes, if genuine, show also that an attempt was planned to win the sheriff of Mingo County, Sheriff Blankenship, over to the side of those opposed to the

union. One of the documents is a list of the names and addresses of twelve men who seem to be private detectives in the employ of coal operators or the Baldwin-Felts agency. The notes further indicate that newspaper articles justifying the evictions of miners were to be printed.

Albert C. Felts, from whose body these are said to have been taken, was a brother of Thomas L. Felts, partner in the Baldwin-Felts Detective Agency. The headquarters of Thomas L. Felts are in Bluefield, W. Va., where he regularly supplies private detectives to coal operators and other persons.

Here is one of the notes:

"Bluefield, W. Va., May 18, 1920.

"Albert, you must arrange things with the Mayor and Police Hatfield about getting our guns in there. We got to do something with Police Hatfield and Mayor Testerman. If we can't pay them to help us we will have to use other means to get them out of the way. You can find some charges against them and put them out of the way, and if any miners around put them out of the way, too, then that will show the rest where to head in.

"We will have things going our way after you do this. We will have the union broke up. But we will never break it until we do something with Police Hatfield and Mayor Testerman, and if possible Sheriff Blankinship. Then we will have things going easy. Be sure you do this before you leave Matewan. [The thirteen Baldwin-Felts men came to Matewan next day.]

"You see Mr. P. J. Smith, F. A. Lindsey, and Mr. Cummins while you got your men there and do like I tell you before you leave Matewan and then we will have things going our way. T."

P. J. Smith is the name of the superintendent of the Stone Mountain Coal Corporation, whose employees were evicted the day following the date of this note, and the name of the superintendent of the Red Jacket Consolidated Coal and Coke Company at Red Jacket is William N. Cummins.

One of the other papers is in the form of an unsigned memorandum of instructions. It reads:

"Memorandum:

"May 13, 1920.

"Make arrangements with party at Matewan and employ him at a salary from two to three hundred dollars per month. I think you can make the arrangement for \$200. Whatever arrangement you make must be under cover and have this understood with Hatfield. If you make a deal with him I think you should suggest some means of bringing about a controversy or misunderstanding of some sort which will result in a split between him and the bunch which would look plausible and give him an opportunity of turning against them and telling them where to head in, because that is what we will expect if we make a deal.

"Now, I do not want him to be neutral except during the interval before this misunderstanding and complications are brought about, and after that we will expect him to stand squarely behind us in all matters which may come up and let everybody know that he has become disgusted with the bunch and wants nothing more to do with them and brand them as crooked and declare himself with the other side when it comes to a show down. However, I want to impress upon him the importance of not letting any one know there is any arrangement between us. His pay will be given to him in person by

yourself or one of our confidential men and no one should be taken into his confidence about this.

"I would also suggest that you show Anse Hatfield a little attention and let him know that we appreciate the attitude which he has taken in these matters.

[Anse Hatfield, relative of Sid Hatfield, was reported to have sympathies differing from those of the Chief of Police. He was later shot and killed as he sat in front of the hotel that he owned in Matewan.]

"Please do not forget our conversation on the subject of Chambers. However, I would suggest that you have a further talk with Mr. Bausewine [George Bausewine, Jr., is secretary of the Williamson Coal Operators' Association, which includes the operators of Mingo County] before you approach him, and have a thorough understanding with the committee, because there is no use going into this matter at all unless you know where you are.

"At our conference in Cincinnati a few days ago it was suggested that we keep after Blankenship [the Sheriff of Mingo County], as they seem to think he might be worked yet; however, I am of the opinion the other parties have him under their control. . . . [Then follows a paragraph emphasizing the importance of "getting a square deal from the press."]

"I do not think it would be a bad idea to have an article written setting forth the views of the operators in connection with these evictions, etc., and the precedent which has been established, and go on and analyze it and show that they had to take this action because these fellows [miners occupying company-owned houses] would hold the houses indefinitely and occupy them for the purpose of annoying the company and preventing their mining coal; that the houses were a part of their mining equipment, etc.

"Furthermore, that if this is not done, the public is going to get a wrong conception of what has been done and the object of doing it, because these things are being talked throughout the country, on the trains and public places, etc.

"Arrange with Cunningham to discontinue the room at Williamson."

The list of persons who are apparently private detectives furnished by the Baldwin-Felts Detective Agency to operators contains twelve names. Each man is given a number, by which he is apparently known. Some are described as having been "in our service" only a few months, others many years. They are spoken of as "working in the mines," "canvassing the field" or stationed at various points about the county. The names of several coal companies for whom they work are given.

That one of the men may have been an "under-cover man"—that is, may have joined the union while he was a detective and have tried to get information about it from the inside—is indicated by the following description:

"No. 10, — — —, has been working for the Red Jacket Coal and Coke Company at Red Jacket, but when they began organizing at Matewan he went down with the Red Jacket bunch and joined, afterwards was fired and is now laying out, picking up all information he can among the union men. His address is Matewan, W. Va. Has been in our service about a year and no one knows him."

Obviously it is impossible to vouch for the genuineness of these documents beyond question. Ed Chambers, a resident of Matewan, swore in an affidavit that he saw Hatfield take these papers off Felts's body twenty minutes

after Felts was killed. The prosecuting attorney of Mingo County was said, while I was there, to have copies of these notes in his possession. I went to him. He said that papers reported to have been taken from Felts's body were locked in his safe at that moment. He refused to let me see them or to say anything in regard to their contents or authenticity. When he learned that what purported to be copies of these notes were in my possession he expressed surprise. The evidence of their authenticity is strong and, so far as I know, has not been denied.

The documents fit with much precision into the West Virginia industrial conflict. They give a picture of events and relationships that loom prominently in the foreground of that struggle. Even if their authenticity is doubtful, they are of valid interest to the public. They show the kind of thing that goes on where a bitter industrial conflict occurs, and they are a vivid illustration of the raw material on which the state of mind of the miners feeds.

It is, of course, well known that the Baldwin-Felts Detective Agency supplies individual operators and associations of operators with "secret service men" and private detectives. Indeed, the secretaries of two associations admitted to me that their organizations had contracts with this agency. These secretaries were George Bausewine, Jr., secretary of the Williamson Operators' Association, who is referred to in the memorandum quoted above, and W. E. E. Koepler, secretary of the Pocahontas Operators' Association. Both asserted that these detectives protect the interests of the companies employing them and engage in the legitimate uncovering of crime. Mr. Bausewine added: "We want to know what our men are doing, what they're talking about. We want to know whether they're talking union or not."

XII

TYPES OF NON-UNION OPERATORS

OF WHAT type are the owners and managers of coal mines who are opposed to collective bargaining in West Virginia? At bottom, coal operators, just like union leaders and other people, are to be explained in the light of their economic backgrounds and their own experience. They have capital heavily invested in coal, or they administer the capital of others. They are primarily interested in the production of coal, and whatever does not contribute to that end tends to become of secondary importance to them.

Let us consider first the man who regards himself as the big brother or the father of his employees. He takes a genuine and paternal interest in providing good houses, sanitation, safe working conditions, and a variety of amusements for them and their families. He believes that the things that affect their feelings affect his also. "I live with my people," said an operator recently. "When they rejoice, I rejoice with them; and when they are sorrowful, I join their sorrows." The operator of this type believes that he is capable—and frequently he is capable—of going a long way in understanding the moods and desires of the men who work for him.

Such an operator sometimes performs acts of especial considerateness. Last December, when several hundred

striking miners were living in tents because they had been compelled to vacate company houses, and snow descended upon their floorless shelters, an operator who had himself suffered from the strike visited one of the tent colonies and invited strikers and their families to move into his vacant houses. A union leader spoke to me of this with great appreciation. Other operators permitted their men, though on strike and producing nothing, to remain in company houses for months without paying rent.

This capacity for sympathy is sometimes linked with an attitude that seems hardly compatible with it. This attitude appears to be based upon a military conception of industry. It has something of the essence of discipline about it. "My mine is a ship," said one operator who was proud of the clean surroundings and comfortable living quarters of his employees. "I am its captain. My superintendent is the officer on deck. I expect my orders to be obeyed." This conception of miners as seamen, whose first virtue is obedience, is likely to meet with difficulties when the seamen come to regard mutiny, in the form of joining a labor union, as their constitutional right.

An operator often met is he who believes that his men do not want to join a union. He believes that he is doing all for his men that any reasonable person can ask—more than can justly be expected. He regards their interests as identical with his own. He sees the union as a meddling and interfering agency. "Not 5 per cent. of the men in Logan County would join the union if its organizers came in here," says J. J. Ross, general manager of the Logan Mining Company. "Fifty per cent. of the men on Buffalo Creek would leave if the union came in there," says George M. Jones, general manager of three mining companies.

The operator of this type knows that his own office door is always open. He is always ready to hear complaints. He thinks that his men are perfectly free and willing to tell him that they consider themselves underpaid or that conditions in the mine are unsafe. He cannot imagine why they should want any other method of appeal. I have traveled through mines with operators who stopped individual workmen and asked them whether the coal was "coming well" that day. The half-muttered replies of these men, as they rose from their bent tasks and turned their grime-soaked faces toward us; their assurances, in answer to questions, that coal was being cut promptly for them, that the supply of cars was steady, that wages were good and that they were "satisfied"—these were received by their employers as convincing evidence that all was well. No suspicion, apparently, that reticence might be at the bottom of this seeming complacency entered their minds. It did not occur to them that, in a locality where discontent was evidence of disloyalty and any suggestion of union sympathy was ground for discharge, men might not speak their thoughts plainly or in the presence of strangers.

Different from the employer who lives among his men and feels with them is the employer who sees nothing but the production of coal. Such a man is not likely to admit the importance of sanitation or comfortable homes; he is engrossed in the technical and commercial aspects of his enterprise. A new machine for cutting coal crowds out of his mind all matters of human welfare. Perhaps his coal lands are owned in New York or Philadelphia, and the stockholders never come near the mine; they ask him no questions and he volunteers no information. Such employers are not peculiar, of course, to the coal mining industry in West Virginia; they are to be found wherever

men engage in the arduous occupation of making money.

It is only a step from the man who believes that his employees do not want the union to the man who will go to any length to protect himself and them from it. Many employers who are to-day using the anti-union contract, the injunction, the private detective, the deputy sheriff paid from private funds, and the power of discharge and eviction to keep union organizers away, are doing so in the belief that they are upholding a principle of American democracy. This principle, as they see it, is the right of every man to work for whom he pleases and under conditions chosen by himself. That these employers do not see the coercive power of the very measures to which they are resorting is one of the remarkable things about their whole point of view.

Many employers, of course, are less ingenuous about the matter. They are out to crush unionism at any cost. If they trample on the rights of others in so doing, they are not particularly concerned.

Finally, there is the operator who cannot discuss unionism without seeing red, and who regards the United Mine Workers of America as a criminal organization. An operator, not himself pronouncedly of this type, but reflecting for the moment this point of view, said recently: "The unions as we hear of them to-day . . . are in control of radicals, I. W. W.'s, and Bolsheviks, men who are not in sympathy with American ideals. They are seeking to destroy American industry. . . . These unions are not controlled by substantial, law abiding, God-fearing men. They are men who are against this Government, against American principles, against schools, against churches, against everything that this country stands for. When they come in, do they come in through the schools and through the churches? No! They come in armed with

rifles, armed with pistols and knives; they come in to intimidate the people."

Such statements are all too frequent in the West Virginia coal fields to-day. The hope of industrial peace lies in a more reasoned point of view.

XIII

THE UNION—ITS LEADERS AND PURPOSES

THE personalities of the union leaders play an important part in the conflict over unionism in the West Virginia coal fields. So also do the objects of the union, as stated in its constitution.

C. F. Keeney is president of District 17 of the United Mine Workers of America. He is leader of the union forces. His district comprises the major part of the coal fields of the State, including those sections in which the fight between non-union operators and the union is most intense.

Keeney is the embodiment of the union's spirit and purpose in West Virginia. He controls policies and makes decisions. His actual power is limited, of course, by the constitution and by the national officers. Locally, too, there are checks upon his authority; he is not by any means an autocrat. But it is his personality that counts most. He is identified by the operators with all that they distrust in unionism. Nearly everything that the union has won in West Virginia has been won under his leadership; he is the general who is now trying to extend the organization to every mine in the State.

There is a suggestion of the tiger in Keeney's personality. He seems always ready to spring. This impression contains nothing soft or catlike, but the force and alert watchfulness of the tiger are there. He is con-

stantly trying to figure out your next move while you talk to him. A vehement nature seems gathering itself to reply; you feel in danger of being seized and torn. Keeney is direct rather than subtle. His speech, like his manner, is impetuous. Words roll out of his mouth in torrents; they pile up on themselves. If he were a large man the effect would be Niagara-like.

He is not an outsider in the West Virginia conflict. He is not one of those "imported trouble makers" whom the coal operators whose lands are owned in Philadelphia, New York, and Cleveland like to talk about. He was born and brought up in West Virginia. He married the daughter of a West Virginia miner. His six children are being educated in the State.

Keeney has worked in the mines. He knows what ventilation, robbing, roof conditions, safety appliances, yardage, break-throughs and spraggers mean. He went to work in the mines as a boy. He worked in them for nineteen years until he was thirty-two. To-day, at thirty-six, he looks back upon this experience with a grim sense of what coal mining has meant for him.

He was at work in Cabin Creek when the United Mine Workers of America got its first foothold there in 1903. He saw the operators open their fight next year to crush the union. He saw 700 families put out of their houses into the snow. He saw the union broken. He saw the miners denied the right to organize. The union did not come back for eight years. Keeney became vindictive. He became a Socialist.

He was still at work in Cabin Creek when the union tried to re-establish itself there in 1912. He saw the armed guards of the operators fight with the miners. He saw blood shed. Keeney's father-in-law was fired for being a union sympathizer. Keeney was fired also.

He was the second man, he says, called into the office of the Wake Forest Mining Company and told to go. Keeney's friends were fired. Keeney and his father-in-law were blacklisted. He says that his family was sick during much of this time.

Keeney regards the struggle in West Virginia to-day as a conflict between classes. "I haven't left the class I was born into yet," he says, "and I hope I never will." He believes that he is trying to win for the miners rights which the operators are determined to deny. He sees these operators as the organized forces of wealth and power. Yet in one of his milder moods he said: "All that we want is to give men an opportunity to join the United Mine Workers of America, and that opportunity the coal companies refuse."

Keeney has no carefully thought out philosophy of a class struggle, I think. His experience is his philosophy. He believes in unionism. And he believes in getting it despite opposition. Yet when 5,000 armed miners started to march on Logan County a year and a half ago, believing that the coal operators there were responsible for the killing of women and children, Keeney came from a distant part of the State to stop them. Governor Cornwell has publicly given Keeney credit for helping to avert a tragedy.

"They call Keeney a radical," he says. "Who made him a radical? I've seen the time when I didn't have the right to eat in this State. I've seen the time when I was refused a job. I've been served with eviction papers and thrown out of my house. I've seen women and children brutally treated in mining camps. I've seen hell turned loose.

"They didn't call me a radical when circular after circular went out from my office during the war, urging

miners to waive their rights and produce all the coal they could.

"They didn't call me a radical when I agreed to forget our contracts and work for Uncle Sam. Now they call me a radical because I insist on holding what the miners of this State have gained. It is an old trick. They are merely trying to cover up their determination to crush us.

"I'm a native West Virginian. There are others like me working in the mines here. We don't propose to get out of the way when a lot of capitalists from New York and London come down here and tell us to get off the earth. They played that game on the American Indian. They gave him the end of a log to sit on and then pushed him off that. We don't propose to be pushed off.

"They say we shall not organize West Virginia. They are mistaken. If Frank Keeney can't do it, some one will take his place who can. But West Virginia will be organized and it will be organized completely."

As he spoke these words, my thoughts flashed back to the remark of a coal operator. "You may tell the union," he said, "that when it sends its organizers in here, I'll get an army." "And I'll lead it," echoed his mine superintendent.

Fred Mooney, secretary-treasurer of District 17, is calmer and more retiring than Keeney. I did not become so well acquainted with him. He is younger than Keeney and has a frank, open face. He looks as if he might have been a student under other circumstances.

The legal adviser and attorney of District 17 is Harold W. Houston. Houston is not an official of the union and takes no direct part in its decisions. But his influence is strong. He is the antithesis of Keeney in many respects.

I got the impression that he is a good lawyer, though I am not qualified to judge; certainly his standing at the Charleston bar is high. He is past middle age and his hair is white, though his face is young.

Houston seemed to me a very likeable man. He is interested in many subjects. He has traveled little and read much. His interest in books centres chiefly, perhaps, in autobiographical discourse. He keeps abreast of the times, however, through newspapers and magazines.

He has a great taste for anecdotes about people who have interested him. We exchanged stories about Whistler, Oscar Wilde, and Walt Whitman. The subtlest ones pleased him most. Houston loaned me his copy of George Gissing's "The Private Papers of Henry Ryecroft," which with shame I confessed that I had not read. Gissing's struggle and quiet philosophy fascinated him. But Houston is a robust and keen-minded man. His usefulness to the union lies in his knowledge of the law and his ability to act as a restraining influence on the impetuosity of others.

There is an idea among the opponents of the union that Houston is a Machiavellian spirit within the organization. He is credited with being its "brains" and a schemer. Thomas L. Felts, partner in the Baldwin-Felts Detective Agency, who regards all labor unions, so far as I could judge, as outlaw organizations, said to me: "I know perfectly well that if Houston could bring it about, he would plan my killing." I found Houston the least truculent of all the men I met on either side.

The purposes and pledge of membership of District 17 of the United Mine Workers of America help to show what kind of organization it is that is trying to extend itself throughout the State. The purposes are defined in

the preamble to the constitution, which is as follows: "There is no fact more generally known or more widely believed than that without coal there would not have been any such grand achievements, privileges, and blessings as those which characterize the twentieth century civilization, and believing as we do that those whose lot it is to daily toil in the recesses of the earth, mining and putting out this coal which makes the blessings possible, are entitled to a fair and equitable share of the same; therefore we have formed 'The United Mine Workers of America' for the purpose of the more readily securing the objects sought by educating all mine workers in America to realize the necessity of unity of action and purpose, in demanding and securing by lawful means the just fruits of our toil. And we hereby declare to the world that our objects are:

"First—To secure an earning fully compatible with the dangers of our calling and the labor performed.

"Second—To establish as speedily as possible, and forever, our right to receive pay for labor performed, in lawful money, and to rid ourselves of the iniquitous system of spending our money wherever our employers see fit to designate.

"Third—To secure the introduction of any and all well-defined and established appliances for the preservation of life, health, and limbs of all mine employees.

"Fourth—To reduce to the lowest possible minimum the awful catastrophes which have been sweeping our fellow-craftsmen to untimely graves by the thousands, by securing legislation looking to the most perfect system of ventilation, drainage, etc.

"Fifth—To enforce existing laws; and, where none exist, enact and enforce them; calling for a plentiful supply

of suitable timber for supporting the roof, pillars, etc., and to have all working places rendered as free from water and impure air and poisonous gases as possible.

“Sixth—To uncompromisingly demand that six hours shall constitute a day’s work, and that not more than six hours shall be worked in any one day by any mine worker. The very nature of our employment, shut out from the sunlight and pure air, working by aid of artificial light (in no instance to exceed one candle power) would in itself strongly indicate that, of all men, a coal miner has the most righteous claim to a six-hour day from bank to bank.

[Eight hours is the established day’s work at present in agreements between operators and the union.]

“Seventh—To provide for the education of our children by lawfully prohibiting their employment until they have attained a reasonably satisfactory education, and in every case until they have attained sixteen years of age.

“Eighth—To abrogate all laws which enable coal operators to cheat the miners, and to substitute laws which enable the miner, under the protection and majesty of the State, to have his coal properly weighed or measured, as the case may be.

[Coal is not commonly weighed or measured as mined in non-union mines to-day; the miner is paid by the car, and cars vary in size.]

“Ninth—To secure, by legislation, weekly payments in lawful money.

[At present, rent, charges at the company store and other items are “checked off” the miner’s wages; that is, they are withheld from him each pay day and he receives the balance in cash.]

"Tenth—To render it impossible, by legislative enactment in every State, for coal operators or corporations to employ Pinkerton detectives or guards, or other forces (except the duly elected officers of each county), to take armed possession of the mines in case of strikes or lock-outs.

"Eleventh—To use all honorable means to maintain peace between ourselves and employers; adjusting all differences so far as possible by arbitration and conciliation, that strikes may become unnecessary."

Each candidate for membership in the union is obliged to take an "obligation of fidelity," part of which is as follows:

"That I will not reveal to any employer or boss the name of any one a member of our unions. That I will assist all members of our organization to obtain the highest wages possible for their work; that I will not accept a brother's job who is idle for advancing the interests of the union or seeking better remuneration for his labor; and, as the mine workers of the entire country are competitors in the labor world, I promise to cease work at any time I am called upon by the organization to do so.

"And I further promise to help and assist all brothers in adversity, and to have all mine workers join the union, that we may all be able to enjoy the fruits of our labor; that I will never knowingly wrong a brother or see him wronged, if I can prevent it.

"To all this I pledge my honor to observe and keep as long as life remains, or until I am absolved by the United Mine Workers of America."

District officers are chosen by popular vote of all the members. Elections are held at each local mine separately, but all on the same day. Nomination blanks

are sent out in advance, and nominations are also made by the rank and file of the membership. Electioneering is barred. Any candidate found guilty of electioneering is forbidden by the constitution to hold office. No local union may send out circular letters or make a slate in favor of any candidate. Mr. Keeney is now serving his third term as president.

XIV

THE UNION AND PETTY STRIKES

A FREQUENT charge made against the United Mine Workers of America by managers of coal mines in West Virginia is that it has no use for its pledged word. By this is meant that it is responsible for many petty strikes called at mines in violation of its agreements. These strikes sometimes last a day, sometimes longer. They cause loss of time to both the men and the coal companies and they lead to diminished production.

The joint agreements between union and operators contain provisions concerning wages, hours, pay for overtime, employment of check weighmen, the company's right to discharge, and other matters. They specify the manner in which grievances shall be handled. Provision is usually made that no strike or stoppage of work shall occur at any mine until the matter in dispute has been disposed of in accordance with machinery described in the agreement itself. This machinery is not always the same, but varies slightly. It is thus described in the agreement with the Kanawha operators:

"In case of any local trouble arising at any mine, the aggrieved party shall first make an earnest effort to adjust the dispute with the mine foreman. In case they are unable to agree, the matter shall be referred to the Mine Committee and the local management of the mine, and if they fail to agree, to the Commissioner of the

Operators' Association and the miners' officials, and if they fail to agree, to the District Board of the two organizations, and should they fail to agree, they shall select an umpire or referee, and the decision of the majority of them shall constitute a final and binding award. In all such cases all parties involved must continue at work pending the investigation and adjustment as above set forth."

If an employee refuses to work because of a grievance that has not been taken up in this manner, he is subject to dismissal by the company. If a strike is called in violation of the agreement by an officer of the union, a fine may be assessed against every member of the union at that place. This fine amounts to \$1 a day for each idle day. If the operator locks the men out in violation of the agreement, the union may fine him \$1 a day for each employee thrown out of employment, so long as the mine remains idle.

It is the contention of the operators that under this agreement a strike may properly be called only upon the expiration of a contract and before a new contract has been made. This does not apply, of course, to a district where there is no agreement but where the union may be trying to secure one.

Many stoppages of work have undoubtedly occurred at individual mines in violation of the above agreement. These have caused operators loss both of time and money. They have led to bickering and ill feeling, and have done much to augment the hostility felt toward the union by non-union operators. These stoppages have nearly all been caused, however, by the irresponsible laying down of tools by all or a part of the workmen at a given mine, or by the unauthorized act of some local official of the union at that place. I learned of no instance in which

such a stoppage had been caused by the order of responsible district officers.

The union makes a distinction between a stoppage of work and a strike. A strike may be called only by the District Executive Board, with or without the sanction of the International Executive Board (depending upon the size of the territory involved), and with the approval of the miners concerned. A stoppage of work, on the other hand, is just such an unauthorized "downing of tools" as has been described. The union contends that stoppages obviously cannot be controlled by the responsible officers, who may be many miles away, until after they have taken place. The most that can be done is to put the men back to work as quickly as possible.

The secretary of an operators' association told me that sixty-three stoppages of work had occurred at the mines under his jurisdiction within the previous eleven months. He called them "strikes." They were not strikes in the sense of having been ordered by responsible union officials. They were temporary shutdowns, caused by the improper acts of men in the employ of the companies themselves—men who were, to be sure, acting as members of the union, but without the union's sanction.

I repeated this figure to Mr. Keeney. The secretary had asked me not to reveal the identity of the association. Mr. Keeney guessed it, however, and he and the president of one of his sub-districts were able to enumerate from memory twenty-five such stoppages in that field within the period mentioned. Mr. Blizzard, the sub-district president, was willing to raise the number to thirty. All of these, Mr. Keeney insisted, were caused by the acts of men who had no authority to do what they did. Mr. Keeney said that on one occasion he had returned to his office and found seventeen stoppages in progress simulta-

neously. He put the men back to work at thirteen of these by telegraph, he said, and went in person to the other four. He said that he had caused only one strike to be called in his district during his four years as president. An International Board member had caused one other to be called. He declared further that he had cancelled twelve local charters because of improper acts by local officials.

Mr. Keeney declared that many stoppages were due to the acts of mine superintendents themselves in violation of their agreements. Substantiation of this was given me by Mr. T. L. Lewis, secretary of the New River Coal Operators' Association, who said that the main causes of violation of agreements were three:

"(1) The failure or refusal of both parties to understand the terms of the agreement.

"(2) The belief by some mine managers that they could best serve their employers, and thereby gain favor with those employers, by taking advantage of specific terms in the agreement.

"(3) The disposition of some miners, and especially of some local union officials, to believe that there was nothing wrong in compelling an employer to concede better wages and better working conditions than the agreement called for."

Mr. Lewis placed the responsibility for most of these violations, however, upon the miners and their local union representatives.

Undoubtedly the operators have here a substantial ground of complaint. No justification can be found for rendering men idle in violation of the joint agreements. I believe, however, that too few of the operators realize the part played by their own officials in giving a basis for these petty conflicts and differences. Often managers

and superintendents permit practices to creep in that have no justification under the contracts. They may even pay bonuses to a few men, or raise the wages of some, in order to get coal produced more quickly. This causes trouble. Those not so favored hear of what is going on and want the same terms applied to all.

It is probable, also, that in places where shutdowns are of frequent occurrence some substantial ground of complaint exists. Where sixty-three stoppages of work occur in eleven months it is likely that matters are not entirely as they should be. The employer always has his power of discharge as well as of fining offending members of the union. Many employers told me that they overlooked legitimate opportunities to fine; this, they believed, destroyed the moral effect of the power they had. It would be better, they thought, if they used the power whenever they properly could.

XV

VIOLENCE—ON BOTH SIDES

THE charge of habitually using violent methods in the conflict over unionism in the West Virginia coal fields is one that is brought by each side against the other. Some operators make the extreme statement that the United Mine Workers of America carries on its work of organization in that State at the point of a gun. The only substantiation for this charge is the occasional sniping that goes on in strike zones, when individual miners, incensed at the use of strike-breakers or for some other cause, shoot into camps or even attack individuals. Indefensible as this is, it is the action of individuals in a region where force is too readily resorted to on both sides.

It is true that in some places many miners are armed. So are many operators. How these miners got their arms I do not know. There is a rigid law in West Virginia against carrying weapons without both obtaining a license and giving bond. Ordinary citizens as well as miners carry guns in violation of this law. Mr. Keeney, president of District 17 of the United Mine Workers of America, told me two ways in which he supposed that miners had got their arms. One was by pooling funds and buying them in groups. The other was by taking them "from people who already had them." By this he meant taking them from the operators.

The region most heavily armed is probably Mingo County, where a strike has been in progress since July, 1920. In December Sheriff Blankenship of Mingo County, encouraged perhaps by the presence of Federal troops, undertook what he called a campaign of "voluntary disarmament." Hundreds of firearms were taken from miners and citizens, as well as from coal companies. Sheriff Blankenship showed me a stack of rifles given up, he said, by the Red Jacket Consolidated Coal and Coke Company.

Mingo County is not the only place where arms are to be found. An operator in Logan County showed me his "arsenal." The county authorities, he said, had recently purchased a number of machine guns to be in readiness for possible trouble. When several thousand miners gathered together some time ago to invade Logan County most of them were armed. The story of that attempted invasion will be told in the next chapter.

The amount of violence in Mingo County has been greatly exaggerated. The assistant prosecuting attorney, Mr. Stratton, told me that there had been twenty murders in Mingo County since last May; published reports three months ago placed the number at thirty-seven and added that 600 persons had been wounded. Moreover, of these twenty, ten were killed in a single shooting affair at Matewan. If those are omitted, the number is not greatly in excess of the average for previous years. Six indictments for murder were found in Mingo County in 1917, eleven in 1918, and five in 1919. Not all of the violence in Mingo County has grown out of the conflict over unionism. The killing of ten men at Matewan followed the eviction of miners from their houses for having joined the union. Of the remaining ten, Mr. Stratton said that five certainly had no connection with the industrial struggle, and possibly a sixth had not.

Killing is not the only form that violence takes. A certain amount of shooting from hillsides into camps and destruction of property has taken place in Mingo County. Several mine tipples and other buildings have been damaged. The agents of this destruction have not always been identified. The operators insist that the union is responsible for it. The union contends that some of it has been caused by the operators themselves in an effort to place the blame upon the union and arouse public sentiment against it. On one occasion bloodhounds used to trace the perpetrator of an explosion that had done some damage to mine buildings went straight to the home of a mine officer and refused to go further. My own opinion is that most of this damage has been the work of miners and of citizens who sympathize with the union. The inhabitants of Mingo County on the whole are friendly to the union.

At this point it is necessary to say a word in regard to some of the people who live in these parts. Mingo County is in the heart of the West Virginia and Kentucky hill regions. This country was the scene thirty or forty years ago of bitter private feuds between families. The feuds have ceased, but the tradition remains. Enmities formed then still exist. Two months ago, when "Devil" Anse Hatfield, leader of the Hatfield clan in the famous McCoy-Hatfield feud, was buried, men wept over reconciliations effected at his bier

Here is in important fact in the industrial conflict now going on there. Many people living in these regions believe in settling disputes by personal warfare. They are used to the arbitrament of force. Human life is held more cheaply than in some more cultivated parts of civilization. There are miners working in the coal mines of West Virginia and Kentucky to-day who saw their fathers and grandfathers take down guns off the wall and go a hun-

dred yards or so from the house to lie in wait for some private enemy.

Modern industry has now thrown itself among these people. Their hills have been opened to the excavation of coal. With industry has come a new cause of warfare. The fight over unionism has taken the place of private feuds. Some of the methods used in carrying on this fight are the methods that the tradition of the region helps to explain.

I do not mean to push this explanation too far. There are plenty of people in West Virginia and Kentucky who have never known anything about feuds. The old days are passing, though they have not passed yet. Judge R. D. Bailey, now presiding at Williamson over the trial of nineteen persons accused of taking part in the Matewan tragedy, confirms my statements. "This is a region of feuds," he says. "A great deal of lawlessness is being charged to the industrial situation that is not due to it. There would be lawlessness anyway."

T. L. Lewis, secretary of the New River Coal Operators' Association, gave me an illuminating account of the causes and history of violence in the West Virginia industrial conflict. Mr. Lewis was formerly vice-president and president of the United Mine Workers of America and, since he is now employed by the operators, he sees both sides.

The strike of 1902, said Mr. Lewis, destroyed the operators' confidence in the union. From then on they regarded it as an organization that would not live up to its agreement. Mr. Lewis was vice-president of the union at that time and opposed the strike. Following this strike it became a practice among operators in non-union fields, said Mr. Lewis, to employ private watchmen or police to "keep tab on the movements of union organizers and to

tell them that they were not desirable people." These watchmen were usually sworn in later as officers of the law. They were evidence of the operators' determination to pursue a policy of keeping organizers out of their territory as a means of crushing the union. Their job was to ride on trains, walk the roads and keep themselves informed about the movements of strangers.

This practice soon grew into a worse one. Some operators began to employ guards of a more determined and vicious character. These guards were expected to go as far as became necessary in order to protect their employers from the advance of unionism. They were ready to kill, if need be, and kill they did. They were the agents of frank force. They usually carried arms. This was the beginning, in Mr. Lewis's opinion, of the use of violent methods in West Virginia. He added that guards of this latter type were always a minority.

Mr. Lewis went on to accuse the union of adopting violent methods in imitation of the operators. He said that organizers threatened to extend the union "by force if necessary" and used inflammatory language calculated to incite their followers. This, he thought, "promoted bitterness and strife." He intimated that the union knew more than it was willing to tell about how some miners had secured their arms.

We have seen in the course of these articles that operators in Logan County and elsewhere still have officers of the law, deputy sheriffs, on their payrolls and that these deputies perform valuable service for them in keeping union organizers away. I want to interpolate here a statement that should have been made earlier. It is charged by many operators that the office of sheriff in Mingo County is as much in the pay of the union as the deputy sheriffs of Logan County are in the pay of the operators.

I was unable to find any proof of this. It is true, I believe, that Sheriff Blankenship, recently displaced by a newly elected sheriff, has been, on the whole, friendly to the union. There is a reason for this that falls far short of any financial arrangement. Sheriff Blankenship has been, I was told, a member of a railway union. This would explain any sympathy he has evinced for the United Mine Workers' efforts in Mingo County.

The proof of the Logan county arrangement is the specific statement of C. W. Jones, treasurer of the Logan County Operators' Association, who pays the money out of which the salaries of the deputy sheriffs are met.

Language of an inflammatory nature is used by both sides. Union speakers have called the operators "tyrants" and "murderers" and have referred to the miners as "serfs" and "peons." In their turn they have been called names with quite as ugly a sound. Operators often refer to union organizers as "anarchists," "red-necks," and "Bolshevists," and one operator, publicly and under oath, recently characterized the members of the pit committees at the mines as "politicians, often crooks, thieves, and a great many murderers." This is not repaying vituperation with courtesy. Neither side has a monopoly of parliamentary grace.

XVI

THE FAMOUS "MARCH" OF MINERS

IN THE preceding chapter we saw that violence has been a traditional weapon in the conflict over unionism in the West Virginia coal fields. We saw that the operators gave the first occasion for its use by employing police and armed guards in their fight against the United Mine Workers of America. Now I want to tell a story that shows the pass to which things come when force is allowed to play so large a part in an industrial struggle.

This is the story of the famous march of miners in September, 1919. At that time the United Mine Workers of America was trying to organize one of the strongholds of non-union operators—Logan County. Its representatives were going into the county, and local miners were discussing the union with much interest. The operators were opposing these efforts. They were discharging men who joined the union. Deputy sheriffs on the payroll of the operators were putting union sympathizers in jail and assaulting them. Men came out of Logan County bruised and bleeding.

Word spread abroad at this juncture that women and children were being killed. This was laid to the agents of the operators. The report lacked confirmation but it was believed. Miners in the union fields of Kanawha County, especially in the Cabin Creek district, heard the report. Many of them had vivid memories of the bloody fighting

between armed guards of the Baldwin-Felts Detective Agency and miners during the Cabin Creek strike of 1912. They started to mobilize—to take the field against Logan County.

On September 4 hundreds of miners assembled on Lens Creek, ten miles from Charleston and thirty miles from Logan County. They trudged in over the hills and by the roads. Many of them carried guns. Five thousand miners had gathered by nightfall. There were no leaders. The miners were determined, apparently, to invade Logan County, but how they were to do this no one seemed to know.

At that time Mr. Keeney, president of District 17, was at Fairmont, in another part of the State. In response to a telegram from Gov. Cornwell he hurried to Charleston. The Governor asked him to go to Lens Creek and try to stop the invaders. He climbed into an automobile and went. On the outskirts of the crowd he was told that his presence was useless and that he might as well go back home.

Mr. Keeney returned to Charleston and reported his failure to Gov. Cornwell. The Governor asked him to try again. Again he went to the scene and again failed to persuade the miners to disband. This time he asked Fred Mooney, the secretary of District 17, to call the Governor on the telephone and urge him to come and speak to the miners.

The Governor came. As he approached the crowd, a man thrust his head in the Governor's automobile and said: "Governor, is it true that women and children are being killed in Logan County?"

The scene spread out before the Governor was picturesque. It was now 10 o'clock at night. Thousands of men, bearing arms of every description, were encamped

upon the hillsides and along the bed of the creek. Fires gleamed out of the blackness. In the light of these fires gun barrels shone glisteningly.

An ice cream wagon was the only platform available. Gov. Cornwell mounted this and, with Mr. Keeney beside him, began to speak. Silence fell upon the miners. The Governor begged them to disband. He told them that they did not know what tragedy their action might lead to. He said that if they would go home he would cause an investigation to be made of conditions in Logan County, and if women and children were being killed there, he would see that it was stopped.

The Governor produced an effect. As he stepped down a trapper boy whizzed his pistol over the Governor's head and, with a whoop, shot into the air. Instantly 1,000 guns spit fire and bullets into the darkness. Keeney turned upon the trapper boy. "Put up your gun, you fool," he said. The trapper boy answered: "Can't a fellow salute the Governor?"

Many of the miners prepared to go home. Others stayed. It was uncertain what would happen.

Next morning 1,500 miners had continued the march to Danville, ten miles from Logan County. Again Mr. Keeney headed them off. He went to Danville by train. Meanwhile, three men who had been sent to Logan County to report upon conditions there returned and said that all was quiet. Gradually the determination of the leaders who had now emerged was battered down. The men were beginning to appreciate the magnitude of their undertaking. Two special trains were sent from Charleston to bring them back. These trains were held in readiness. The miners were finally induced to board the trains and were returned to their homes.

Had they gone on they would have met a force of sev-

eral hundred recruited by the authorities and operators of Logan County to stop them. A battle would inevitably have been the result.

The exact origin of this march and its instigators, if there were any, has never been thoroughly determined. Individuals holding positions in the union had appeared at various mines on the days immediately preceding the march. Whether these men dropped words that may have lighted the conflagration is uncertain. Several superintendents of mines said that committees of their own men had told them, the day before the march, that the mines would be idle next day. In this connection a circular letter by Mr. Keeney on August 29 has been given undue importance. This letter is addressed "to all local unions" and says that "they are now beating men up and jailing them right and left" in Logan County and other parts of the field. It says: "We are going to organize those fields regardless of the opposition." There is nothing in this circular to lead one to regard it as the cause of the march, except that the march took place six days after it was issued. The circular calls upon every local to exhaust "every effort to settle all petty grievances" in order that the union's full strength might be thrown into the effort to organize those fields. Gov. Cornwell has publicly credited Mr. Keeney with having helped to avert a tragedy.

Gov. Cornwell made good on his promise to have an investigation. A commission appointed by him brought out the facts in regard to the payment of deputy sheriffs by the operators and the service rendered by those deputies in beating up miners, sympathizing with the union and keeping organizers out of the county. These facts have been presented in detail in preceding chapters. No substantiation was found for the charge that women and children had been killed.

This account illustrates what happens when an industrial conflict rages unchecked. It gives the non-union operators ground for their fear that their mines are in danger from union miners. It also shows what may result from the misuse of local government and the crushing of the legitimate activities of working men by force.

The situation is charged with just as much dynamite as it was on the day when the miners started out to invade Logan County. The deputy sheriffs are still in the pay of the coal operators. They still keep watch over the interests of their patrons and prevent union organizers from carrying on their work in the county.

XVII

WAGES IN UNION AND NON-UNION FIELDS

How do wages paid to non-union coal miners compare with those paid to union miners in West Virginia? Are they larger or smaller? Do employers in the unorganized fields take advantage of the absence of collective bargaining? Do they try to keep wages down? On the other hand, does the miner better himself financially when he joins the union?

These are vital questions. They are also difficult. The wage scales paid at coal mines are very intricate. Many factors help to determine what miners get; among these are the width of the space in which they work, the hardness of the bottom, the quantity of impurities to be removed, and other items. Since conditions vary from locality to locality, it is not always easy to compare one region with another. Then, too, it is sometimes difficult to learn just what wages are paid in non-union fields, where there are no agreements between the operators and the union.

Men working about coal mines are paid in two ways. One is by a daily wage. This is paid to men who perform certain classes of day labor, both inside and outside the mine. It ranges from \$3.50 to \$8, most classes of day labor receiving now between \$6 and \$7.50. The other way in which men are paid is by the quantity of coal produced. This applies to those who cut the coal with machines, to pick miners, to those who load it on cars, etc.

These men are commonly called "miners" proper, in distinction from those who work by the day, who are called day labor. Miners comprise slightly more than half the men who work around coal mines in West Virginia.

There is not much contention in regard to the wages paid to day labor. This class of workmen, some of whom are skilled, usually receive as high wages in non-union as in union fields. Since it is easy to compare the wages paid to these men in one place with those paid in another, to pay a perceptibly lower rate would be to make it difficult to get men. Some non-union operators even pay a slightly higher wage to their day labor in order to counteract the arguments of unionism.

The amount paid to the miner is the chief subject of contention. Here the union insists that men in the non-union fields suffer. There is a fundamental difference in the way miners are paid in union fields and the way they are paid in non-union fields. In union fields they are paid by the ton; the miner's coal is weighed or measured as it comes from the mine, and he is sure of being credited with his full product; union contracts call for the employment of check weighmen to weigh the coal. In non-union fields the coal is commonly not weighed. No check weighmen are employed. Miners are paid by the car; cars vary in size; and since scales are usually not available for weighing them, the miner is dependent upon his employer's statement in regard to the capacity of the car. If the employer's statement is correct, the superintendent still has an opportunity to insist upon cars being loaded fuller than they are supposed to be, a situation under which the miner would be paid for less coal than he was actually producing. His only method of protecting himself in such a situation is to load the cars with less than they are supposed to carry.

The facts concerning wages presented in this chapter are suggestive rather than conclusive. In the spring and early summer of 1920 the United Mine Workers' of America organized a number of locals in the hitherto non-union field of Mingo County. On June 30, Mr. Keeney, president of District 17 of the union, wrote to miners in these locals asking for the measurements of cars used in the Mingo field and the rates paid for filling them. At the time of my visit this information was still unused. It lay in the form in which it had been received—original schedule sheets sent out by Mr. Keeney and filled in at the mines. Some forty mines had answered.

Obviously this information, if accurate, afforded a means of comparing the rates paid to miners in the non-union field of Mingo County with those paid in union fields. All that would be necessary was to estimate the capacity of these cars in cubic feet and convert this into tons, in order to know what rates miners in Mingo County were paid per ton. It would then be necessary to select some union field for comparison. At that time the union was suggesting the adoption of the wage scale effective at the Coalburg seam, in Kanawha County, for use in Mingo County; conditions there were declared to be very similar to those in Mingo County. Since a number of mines in Mingo County did actually sign agreements based on the Coalburg scale, a little later, this scale was chosen for the comparison.

Receiving permission to use the sheets, I took them to David A. Jayne, a certified public accountant in Charleston. Mr. Jayne agreed to make the necessary calculations.

His report was interesting. He found that the data supplied to him were not complete in a number of instances. Using only those instances in which they were complete, he found that thirteen mines in Mingo County

pay an average rate of 45 cents a ton for machine loading in rooms. This is an occupation employing a large number of men. The Coalburg scale calls for a rate of 69.3 cents a ton for machine loading in rooms. Here is an excess of 24.3 cents a ton in favor of the union rate. It is more than a half more.

The average non-union rate in Mingo County is affected by high rates paid at two mines. Eleven of the thirteen mines there paid less than the union rate. Seven paid less than 50 cents and six less than 40 cents. One paid 32 cents and one 31 cents. The two that paid higher rates paid 71 and 87 cents.

Mr. Jayne found, moreover, that for machine loading in entries twelve mines paid an average rate of 49 cents a ton. This is another occupation employing a large number of men. The union rate at the Coalburg seam is 75.55 cents a ton. Here is an excess of 26.55 cents a ton in favor of the union rate. Again the average is affected by two high rates. Ten of the twelve mines in Mingo County paid less than the Coalburg rate. Five paid less than 40 cents and one paid 31 cents. The two high rates were 71 cents and \$1.01.

For machine loading on pillar, Mr. Jayne found, eight mines in Mingo County paid an average of 45 cents a ton. This class of work is not mentioned in the Coalburg scale.

Pick mining at the Coalburg seam receives \$1.02. Three kinds of pick mining are mentioned in the data supplied to Mr. Jayne. One of these, pick mining in room, receives \$1.07; this information was available for only two mines, however. Seven mines pay an average of 60 cents a ton for pick mining on pillar, and for pick mining in entries three mines pay an average of 78 cents a ton.

Eight mines in Mingo County pay an average of 16 cents a ton for "machine cutting." Machine cutting in

the Coalburg scale is of two kinds. Machine cutting in rooms is paid for at the rate of $16\frac{1}{4}$ cents a ton, and machine cutting in "entries, break-throughs between entries, and room necks" receives 15 cents a ton.

What is the conclusion from all this? Assuming the accuracy of the data supplied to Mr. Jayne—an assumption that could not be proved except by repeating the measurements of all the cars in question—it would appear that two of the most important occupations about a coal mine receive, in general, far less in the non-union field of Mingo County than they do in a similar union field. This may be true also of some of the other occupations. The absence of identical descriptions of most of these occupations, however, makes the comparison difficult. In respect to two occupations, or phases of two occupations, the average non-union rate would appear to be higher than the union rate; though in respect to one of these the number of mines (two) is too small to justify a conclusion.

Non-union operators frequently contend that even if the miner in a non-union field receives a lower rate per ton than the miner in a union field in West Virginia, he can still earn as much as his union fellow-worker because the conditions under which mining is done in the non-union fields are so superior; he can produce more coal in a given length of time. It is true that in some non-union fields the conditions are superior. The miner contends, however, that he should get some of the benefit of these natural advantages, as well as the coal company. If veins of coal are thicker, impurities less, and more coal can be taken from the mine in a day, he should derive part of the benefit, he thinks. There is much justification, surely, for this contention.

Now let us discuss actual earnings, rather than rates

of pay. It is the earnings perhaps that count most. They represent the contents of the pay envelope; they pay grocers' bills and buy shoes.

Not long after the Mingo County strike was called several companies signed agreements with the union. Among these companies were two large mines, so-called "tipple" mines, employing several hundred men each. The employees of these companies were, therefore, being paid under union contracts for the first time. Before that they had received whatever wages the companies chose to pay them or whatever men could be hired for.

Here, apparently, was an opportunity to see whether the earnings of these men increased under the union contract. If the receipts of some of them could be traced back through both non-union and union periods of time, interesting information ought to result. Before going to these companies, I was told by C. H. Workman, a representative of the union, that one of them, the P. M. and C. Coal Mine Company, had a reputation for paying good wages. His guess was that I would be less likely to find enhanced earnings there, under the union contract, than at the other, the Alma-Thacker Fuel Company.

Mr. McConaghy, manager of the P. M. and C. Coal Mine Company, kindly agreed to go over the books with me. At the outset we were met by a difficulty. Few men, it seemed, had worked for the company sufficiently long both before and after the strike to permit valuable comparisons to be made. We finally selected six, however, and set to work; the periods compared were April 1—June 30, 1920, a non-union period, and October 16—December 31, a union period. Then a second difficulty arose. During the non-union period the men had been paid yardage; that is, they had been paid, in addition to their regular rates, fifty cents a yard for taking out unusually hard bottom.

This had been quite an item. Now, however, it was not being paid; the union agreement had left the question of yardage for local adjustment, and the company had refused to pay it. The miners regarded this with disfavor and were preparing to make a protest. The average daily earnings of these six men, during the non-union period and for *the days actually worked*, amounted to \$9.26. This included yardage. When yardage was deducted the daily average became \$8.25. During the union period their average daily earnings were \$8.79. Here, therefore, was a decrease, in favor of the non-union rate, of 47 cents when yardage was included in their non-union earnings and an increase of 54 cents when it was not. Four of the men showed decreases in their daily averages and two showed increases when yardage was included. The decreases were \$0.67, \$1.06, \$1.45, and \$1.95. The increases were \$0.69 and \$1.64. Deducting yardage again, the figures were reversed. Four of the men showed increases and two decreases. Mr. Workman's statement, therefore, seemed to be borne out by the P. M. & C. Coal Mine Company.

Results were very different at the Alma-Thacker Fuel Company. Here Mr. Glenn Deaton, the general manager, assisted me in looking at the books. We met the same difficulty as before in regard to the small number of men who had worked for any length of time both before and after the strike. We finally selected five. The periods compared were March 1-April 30, 1920, non-union, and October 1-November 30, 1920, union.

The average daily earnings of these five men during the non-union period were \$9.03 for the days on which they worked. During the union period the earnings were \$10.98. Here is an increase of \$1.95. There is no question of yardage here, since the men received it both under the union contract and before.

Some of the individual increases were large. They amounted to 50 cents, 94 cents, \$2.02, \$2.34, and \$3.99. These be it remembered, are increases in daily earnings.

One of the men, Joe Martin, earned \$281.40 during the two non-union months and \$466.27 during the two union months. This is an increase of \$92.43 a month. Another man, William Stamp, earned \$254.34 during the non-union period and \$398.22 during the union. Lawrence Price earned \$384.68 as a non-union miner and \$464.64 as a union miner. Alex Fodor earned less in total cash during the union period than during the non-union, but he worked fewer days. His earnings were \$276.47, as compared with \$299.64, and his days worked thirty-one, as compared with thirty-seven. He averaged 50 cents a day more during the union period. Lee Mounts also earned less—\$284.53, as compared with \$349.59—but he again worked only twenty-eight days, as compared with thirty-eight. He averaged 94 cents a day more during the union period.

Mr. Deaton had not been fully won to a liking for unionism, yet he said: "Both the men and the company are profiting under the union. The men are being paid by the ton now, instead of by the car. They load the cars fuller as a consequence. This gives the company more coal for its money, and the men's earnings have gone up. Efficiency has been promoted. Moreover, such work as laying track, setting timbers, and shooting coal is wiped off our books as a day labor charge. Formerly we paid mine workers to do this. Now the miner does it himself or pays some one else to do it. The company is thus relieved to some extent."

One advantage of the union contract, from the miner's point of view, is that it provides for so many contingencies. Unforeseen conditions are constantly arising in the mining

of coal; if a superintendent is free to do as he chooses when these arise—to pay more for taking out hard bottom, removing unexpected impurities, etc., or to pay the same as for ordinary work—the miner says there is no guarantee that he himself will not get the worst of the deal. If, on the other hand, the union contract specifies what shall be paid under each of these contingencies, the miner benefits.

Figures ordinarily given by non-union operators as showing the earnings of miners in their employ are defective. They are likely to be the earnings of the men who make most. An instance of this occurred before the commission appointed by Governor Cornwell to study conditions in Logan County, mentioned in Chapter VIII. Figures submitted to that body indicated very high earnings but when they were analyzed they were discovered to be earnings of only a small number of men who had made extraordinary amounts. No statement of average earnings was submitted. The justification for this was that the figures given showed the *opportunities* open to miners in that county.

We have now discussed both rates of pay and actual earnings. From the evidence obtainable, it is a fair conclusion that on the whole the miner benefits financially when he joins the union.

XVIII

WHO OWNS THE COAL LANDS?

Who owns the coal and coal lands in the non-union fields of West Virginia? Who is back of the opposition to unionism in that territory?

No full answer to this question can be given. The owners of coal lands and the stockholders of coal mining companies cannot always be ascertained. A resolution was introduced into the last session of Congress calling for an investigation of the whole West Virginia industrial conflict, to be made by the Senate Committee on Education and Labor. Such an investigation would doubtless help to reveal what interests are responsible for the strong opposition to collective bargaining.

The United States Steel Corporation is one of the large holders of coal lands. It owns lands in Mingo and Logan Counties and leases lands in McDowell County; these are three of the counties in which the fight against unionism is most intense. The annual report of the Steel Corporation for 1919 states that subsidiary companies of the corporation own, in Logan and Mingo Counties combined, 53,736 acres of coking coal land and 32,648 acres of surface coal land. Moreover, the corporation is extending its holdings in that locality. In Letcher and Harlan Counties, Ky., close to Mingo County on the south, it acquired, in 1919, 15,662 acres. This made its holdings in

those two counties 74,344 acres of coking coal and 32,002 acres of surface coal.

In the Pocahontas coal field the steel corporation leases, through subsidiaries, 63,766 acres of the best coking and fuel property, according to its 1917 report. This is located in McDowell and Wyoming Counties, W. Va., and Tazewell County, Va. Approximately 50,000 acres of this is in McDowell County. The Illinois Steel Company, a subsidiary, is understood to be the lessee of this land.

The Steel Corporation's mines in McDowell County are operated by the United States Coal and Coke Company. This is the largest coal producing company in West Virginia. It produced 4,680,000 gross tons in 1918. No other company came within 950,000 tons of it. It employs more men than any other company in McDowell County. In 1918 it employed 3,888. Eleven mines have been opened on its property. The company has built towns, constructed coke ovens, and carried on its operations on a huge scale.

The McDowell County property has been in the control of the Steel Corporation for twenty years. The preliminary report of its board of directors, submitted to the stockholders at the first annual meeting, February 17, 1902, said: "Subsidiary companies of the corporation have secured a lease of 50,000 acres of the Pocahontas coking and fuel property, on a royalty basis, and on favorable terms for production and transportation. Plans for the prompt development of this property on a large scale are under consideration, and it is expected that in the near future there will be received from this field a large supply of coke and fuel coal. With this acquisition, it is estimated that there is now controlled by subsidiary companies a sufficient quantity of the best and cheapest coking coal to provide, on the basis of present consumption, for all the neces-

sities of the furnaces of these companies during the next sixty years. The corporation has guaranteed the performance of this lease on the part of the lessees."

That the Steel Corporation has been a consistent, and at times a bitter opponent of unionism in its steel plants is well known.

The Norfolk & Western Railway Company is also heavily interested in coal lands in these districts. It traverses the Pocahontas field and is practically the only railroad that serves that territory. This railway owns 9,994 shares out of a total of 10,000 shares of the Pocahontas Coal and Coke Company, according to the Railway's annual report for 1919. These shares were originally acquired in 1902. At that time the Pocahontas Coal and Coke company held 295,000 acres of land in the Pocahontas district. This was about four-fifths of the entire Pocahontas field. The Norfolk & Western joined with Pocahontas Coal and Coke Company in the issue of \$20,000,000 4 per cent. purchase money mortgage bonds, due December 1, 1941.

The Pocahontas Coal and Coke Company does not engage in mining coal. Its principal purpose is to make leases on royalties to operating companies. At the time the Norfolk & Western gained control of this company the royalties on leases were 10 cents a ton on coal and 15 cents a ton on coke. Twenty-five mining companies were then in active operation on the company's property. To-day the number is much larger. The Norfolk & Western Railway Company is said to be dominated, through stock ownership and interlocking directorates, by the Pennsylvania Railroad.

The Pocahontas field in West Virginia comprises chiefly McDowell and Mercer Counties. It is in these counties

that forty-six coal companies have joined to secure injunctions barring representatives of the United Mine Workers of America from entering upon their property. It is in these counties that anti-union contracts of employment have been introduced widely to prevent miners from having anything to do with the union. In Logan County the union is effectually barred also. The deputy sheriffs are in the pay of the coal operators.

It is interesting to see what the miners are saying about this situation,. Says W. Jett Lauck, consulting economist for the United Mine Workers of America:

"From its own records it is clear that the United States Steel Corporation, through its subsidiary companies, is the largest producer of coal in West Virginia, and employs more men than any other coal mining company in the district immediately adjacent to Mingo County, and that the Steel Corporation, as well as the Norfolk & Western Railway Company, is extending acquisition of coal lands and opening coal mining operations in the Mingo district and the coal regions in Kentucky adjoining Mingo County on the south.

"It is also apparent that this colossus, while extending its holdings and control of coal lands in and around this district, is at the same time, extending to this district its labor policy of crushing labor unions. This is the guiding hand behind the effort to crush out the mine workers' organization in Mingo County. These interests are refusing the mine worker the right of collective bargaining."

How far these two corporations actually exert an influence hostile to unionism in the West Virginia coal fields is not revealed, of course, by a mere statement of their holdings. The Norfolk & Western controls enough land to make it a dominant factor in any policy adopted. The Steel Corporation may, of course, exercise an influence

larger than its mere acreage would perhaps entitle it to. That acreage is not in itself enough to give it a deciding voice. Its prestige, however, and the fact that the miners identify it with a strong anti-union point of view are important factors in the situation.

XIX

CONCLUSIONS

THE essential facts in regard to the industrial conflict in the West Virginia coal fields have now been told. This struggle between the miners and the United Mine Workers' of America, on the one hand, and the owners and managers of coal mines, on the other, has been going on for two decades. It has been attended by strikes, court action, paralyzation of industry, and bloodshed. The union appears to be winning if one looks at its gain in numbers. Yet the operators who have so far escaped it, are building stronger intrenchments and taking a vigorous offensive. They expect to fight it to a standstill; indeed, the more confident ones expect to drive it from the field.

Let us now see what conclusions may be drawn. The fundamental issue in this fight is the right of men to join a labor union. This issue must not be allowed to be obscured by the operators' charge that the particular union concerned is an undesirable one, or even an illegal one. Its desirability is a matter of opinion, and so long as it is allowed to operate as a legal organization the operators have no justification for discriminating against it on that ground.

On this fundamental issue there can be but one opinion. The right of men to join a labor union is guaranteed by every principle of democracy. The American people have granted it; the American courts have sustained it. It is a right growing out of the very structure of modern industry which opposes vast organizations of capital and power to the individual wage earner, and renders him prac-

tically helpless to advance his own interests alone. To deny him this right, whether directly or indirectly, is to transport Prussianism to American industry.

There is another issue closely related to this. That is the right of organizers for the United Mine Workers of America to make their appeal to miners freely and without hindrance. There are parts of West Virginia to-day in which they cannot do this. They are prevented by court injunctions, by anti-union contracts, and by the hired agents of the operators. This, again, is a fundamental question of democracy.

Let us take an analogy. Suppose a representative of the United Mine Workers wanted to address an audience in New York City. He would hire Carnegie Hall or Madison Square Garden. He would make his speech. No one would interfere. So long as he violated no law he would be unmolested.

Transfer the scene to McDowell County or Logan County, West Virginia. Let the same speaker desire to say the same things to an audience of miners there. He may not do so. The owners of the coal mines will not let him. He cannot carry the message of unionism into McDowell County without violating an injunction of the State Court. He cannot read the printed statement of purposes of the United Mine Workers of America. If he tries to do this in Logan County, deputy sheriffs paid by the operators will break up his meeting and run him out of the county. So much for the fundamental rights involved. On the other hand, the methods adopted by the United Mine Workers of America have not always been the methods of persuasion and of an appeal to logic. Aroused by the nature of their opposition, they have been provocative themselves in turn. They have used abuse and the threat that lay in knowing that large numbers of men were

armed. They have preached the gospel of discontent in some of its extreme forms. Individual organizers who are Socialists have mingled doctrines of class warfare with their arguments for unionism. They have represented the miner as the slave of a wage system that was robbing him of his share of the product of his labor, and his employer as the master who did the robbing. This has naturally enraged the operators who have seen in this an implicit purpose to destroy their business and to strip them of their property.

Unionism probably means reduced profits for the operators. How large this reduction is, and how inevitable an accompaniment of unionism, it is impossible to answer. The very operators who are most vigorously opposing the union declare that the wages paid by them are as high as those paid to members of the union. If that be true, the cost of recognizing the union would, it seems, be slight. On the other hand, we have seen that there is good ground for supposing that "miners," the men who actually cut the coal and load it, receive somewhat higher wages, on the average, in union than in non-union fields.

The cost of small strikes, or stoppages of work as the union calls them, is another item upon which the operators figure when they consider accepting the union. They can themselves reduce the number of these by more careful attention to the things that cause them. That this is an additional expense and cause of waste may be readily admitted. It may be gravely doubted, however, whether it exceeds the present cost of fighting unionism. That cost has been enormous. The members of the Williamson Operators' Association have assessed themselves during recent months 10 cents a ton for every ton of coal produced as a means of paying for newspaper advertising, hiring private detectives, and carrying on other methods of pre-

venting the organization of their mines. For the normal purposes of the association not a fifth of that assessment is laid. The miners in their turn are obliged to spend large sums of money as a means of carrying on the fight.

There remains the question of the everyday life of the miner. This has nothing to do, directly, with unionism, but we have seen that the engulfing paternalism of the miner's existence provides a soil in which the desire to join with his fellows in some sort of common effort to better his lot may prove a seed of especial hardiness. In any event, it is a state of society that requires serious thought. When practically the entire labor force of a basic industry comprising 400,000 or 500,000 people in a single State have no security of residence and are dependent for all their conveniences and many of their necessities upon the business need or generosity of a group of employers, a situation exists that is fraught with many possibilities of evil. No argument of historical exigency or justification can stand up against this fact.

One remedy for this paternalism may lie in the establishment of miners' towns or communities throughout the coal fields. These would have to be towns in which the miner could own his own house or lease it under certain protective safeguards. He could then enjoy some of the normal relationships of life. He could trade at independent stores, build his own schools, conduct his own churches, travel on his own roads, and elect his own local officials. Work trains might carry him to and from his place of work. He would cease to be subject to his employer's conception of what was good for him. Such a plan would involve, perhaps, buying land from coal companies or leasing it for town sites. Obviously there would be difficulties to be met. To many operators it will sound chimerical. One operator, however, discussed it sympathetically with me.

This was George M. Jones, general manager of the Lunda Coal Company, the Three Forks Coal Company, and the Amherst Fuel Company. Said Mr. Jones:

"I have seen miners evicted from their houses, and it's a pretty serious business. A man who has his goods dumped out on the street doesn't get over it in a hurry. Why shouldn't miners own their own homes? It would give them more self-respect. They do now in some parts of the coal field. One difficulty with miners' towns in West Virginia would be the narrowness of our valleys. This would make it hard to find open spaces enough. But we might overcome that if all the operators would try to solve the problem together. Work trains would help if the railroads would run them. They run them around Charleston and in Ohio and Indiana. I'm not sure our whole wage relationship to our men is right. Why should coal mining companies be in the house renting business and the store business? Why not just in the mining business? Of course, some companies would probably refuse to sell or lease land. But a beginning might be made. I'd like to see the idea tried out. The results would be important."

Meanwhile, West Virginia promises perpetual conflict. The public has an enormous stake in that conflict. In one form or another the conflict will go on until these three things happen: (1) The right of miners to join their union is recognized; (2) both the operators and the union abstain from provocative and extra-legal acts, and (3) some way is found to give the workers a more direct interest in their environment and a greater control over the conditions of their own lives. At this price only can industrial peace be purchased in West Virginia.

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OF THE DISTRICT COURT

OF THE DISTRICT OF COLUMBIA

IN RE: THE ESTATE OF

JOHN W. BROWN, DECEASED

ADMINISTRATOR

VS.

THE DISTRICT OF COLUMBIA

BY PETITION OF

THE DISTRICT OF COLUMBIA

ADMINISTRATOR

VS.

THE DISTRICT OF COLUMBIA

ADMINISTRATOR

VS.

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